

From: Johnny Amaral
Sent: Friday, December 30, 2016 8:04 AM
To: Ryan A. 'Smith; Denny Rehberg; Dennis Cardoza; David Bernhardt; Catherine Karen
Subject: 10 am call?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

From: Tom Birmingham
Sent: Tuesday, December 27, 2016 12:32 PM
To: 'zzNunes, Devin'; 'Ratekin, Anthony'
CC: 'Johnny Amaral'; 'Bernhardt, David L.'
Subject: Disaster Declaration
Attachments: Disaster Declaration.docx

Devin and Anthony,

Attached is the document you requested I draft. I suggest we have a telephone conference to discuss this document at your earliest convenience.

Tom

I have determined that the damage in certain areas of the State of California resulting from drought during the period of October 1, 2012 through the present, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. Therefore, I declare that such a major disaster exists in the following counties of the State of California: Alameda County; San Joaquin County; Stanislaus County; Merced County; San Benito County; Madera County; Fresno County; Kings County; Tulare County; and Kern County.

In accordance with Section 7(p) of the Endangered Species Act, 15 U.S.C. 1531 et seq. (the "Endangered Species Act), I hereby find that operations of the Central Valley Project and the California State Water Project shall be exempt from the provisions of the Endangered Species Act. I also find that: (1) the United States Bureau of Reclamation has complied in good faith with its consultation obligations under Section 7 of the Endangered Species Act, but that there is no reasonable and prudent alternative that will enable Reclamation to operate the Central Valley Project and the State of California to operate the State Water Project to meet their purpose of supplying water for consumptive uses; (2) the benefits of operating the Central Valley Project and the State Water Project to supply water for consumptive uses outweigh the benefits of alternative courses of action consistent with conserving listed species or their critical habitat; (3) operations of the Central Valley Project and the State Water Project to supply water for consumptive uses is in the public interest; (4) operations of the Central Valley Project and the State Water Project to supply water for consumptive uses is of national significance; (5) and neither Reclamation nor the State of California made any irreversible or irretrievable commitment of resources as prohibited by subsection 7(d) of the Endangered Species Act.

I find that this exemption from the Endangered Species Act is necessary to prevent the recurrence of such a natural disaster and to reduce the potential harm to the populations of these counties, including the loss of human life, and involves an emergency situation which does not allow the ordinary procedures of this Section 7 of the Endangered Species Act to be followed.

This declaration of major disaster and the exemption for operations of the Central Valley Project and the State Water Project from application of the Endangered Species Act shall remain in effect until Reclamation has for two consecutive years made available to all south-of-Delta Central Valley Project agricultural water service contractors at least seventy-five percent of their respective contract quantities.

From: Holly Long

Sent: Thursday, December 22, 2016 6:26 PM

To: ara.azhderian@sldmwa.org; Carolyn Jensen; Chris White; David Bernhardt; Dennis Cardoza; Frances Brewster (FBrewster@valleywater.org); Frances Mizuno; Jason Peltier (jason.peltier@sldmwa.org); Jon Rubin (Jon.Rubin@sldmwa.org); Judy Bendix; O'Hanlon, Daniel; pwilliams@westlandswater.org; sfong@sfcwa.org; Sheila Greene (sgreene@westlandswater.org); Steve Chedester; Tom Boardman (tboardman@apex.net)

Subject: Delta conditions report

Attachments: 2016-12-22-DeltaConditionsReport.docx

Hi everyone,

The Delta conditions report is attached.

Happy holidays,

Holly

Holly Long

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DELTA CONDITIONS REPORT, DECEMBER 22, 2016

Holly Long, SLDMWA

EXECUTIVE SUMMARY

- Operational constraint: Turbidity management.
 - X2 today is 60 km (between Martinez and Port Chicago).
 - Scheduled combined exports today are 7,000 cfs.
 - Outflow index today is ~65,700 cfs.
 - Tuesday's CDEC OMR values were -6,935 cfs (daily), -6,489 cfs (5-day), -7,915 (14-day).
 - % inflow diverted today is 11.7% (14-day average).
- Salvage and ITLs, WY 2017
 - Winter-run Chinook, non-clipped loss (12/21): 20.58 (based on length-at-date).
 - Steelhead, non-clipped salvage (12/21): 0.1% of ITL.
 - No salvage for other listed species yet this water year (as of 12/21).
- Surveys/monitoring
 - **Delta smelt**, most recent surveys:
 - Fall Midwater Trawl: No delta smelt caught in December (SWG notes, 12/19/16).
 - December Kodiak Trawl: Caught 227 delta smelt, 214 of which were from station 706 (by Decker Island) (SWG notes, 12/12 and 12/19/16).
 - Bay Study: December survey caught three delta smelt near Three Mile Slough (SWG notes, 12/12/16).
 - Enhanced delta smelt monitoring: Three delta smelt caught last Thursday in lower San Joaquin River, none on Monday, seven on Tuesday (of which three were in the San Joaquin River) (SWG notes, 12/19/16 and FWS response to SWG recommendation, 12/21/16).
 - **Longfin smelt**, most recent surveys:
 - Fall Midwater Trawl: December survey caught three longfin smelt; none in San Joaquin River or south Delta, present in Sacramento River as high as Cache Slough at Elkhorn Slough (SWG notes, 12/19/16).
 - December Kodiak Trawl: Caught two longfin smelt in Honker Bay; reporting not complete (SWG notes, 12/12/16).
 - Bay Study: Caught four longfin smelt throughout the Delta, with none in San Joaquin River or south Delta (SWG notes, 12/19/16).
- Expectations
 - The FMWT index (sum of September–December abundance indices) is expected to be released this week or next (SWG notes, 12/19/16).
 - “On December 16, Reclamation and DWR updated their planned operations to achieve combined exports of 7000 cfs by Sunday, December 18. This was estimated to result in OMR of -5000cfs to -6000 cfs. This operation is being taken as a preemptive measure by Reclamation and DWR and is not the result of a determination by FWS under the Biological Opinion. As of December 20, Reclamation and DWR indicated their intent to continue this operation at least until Friday, December 23. Reclamation and DWR report that they will continue to assess conditions for the remainder of the week, and if conditions continue to

settle following last week's storm, Reclamation and DWR will contemplate increasing exports" (FWS response to SWG recommendation, 12/21/16).

¹<http://www.dwr.water.ca.gov/swp/operationscontrol/deltaops.cfm>

²"December 1, 2016 Water Supply Index Forecast" email, John J. King, DWR, 12/8/16

³<http://cdec.water.ca.gov/index.html>

⁴<https://waterdata.usgs.gov/ca/nwis/>

⁵https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

DELTA CONDITIONS REPORT, DECEMBER 22, 2016

PHYSICAL CONDITIONS

- Currently controlling operations¹: Turbidity management.
 - “On December 16, Reclamation and DWR updated their planned operations to achieve combined exports of 7000 cfs by Sunday, December 18. This was estimated to result in OMR of -5000cfs to -6000 cfs. This operation is being taken as a preemptive measure by Reclamation and DWR and is not the result of a determination by FWS under the Biological Opinion. As of December 20, Reclamation and DWR indicated their intent to continue this operation at least until Friday, December 23. Reclamation and DWR report that they will continue to assess conditions for the remainder of the week, and if conditions continue to settle following last week’s storm, Reclamation and DWR will contemplate increasing exports” (FWS response to SWG recommendation⁵, 12/21/16).
- Location of X2, 12/22¹: 60 km (between Martinez and Port Chicago).
- DCC status, 12/22¹: Closed.
- Turbidity¹ (at sites in delta smelt BiOp)
 - Three-day mean Prisoner’s Point: 16.5 NTU on 12/21
 - Three-day mean Holland Cut: 8.5 NTU on 12/21
 - Three-day mean Victoria Canal: 3.8 NTU on 12/21
- Water Supply Index (WSI) forecast²: December 1 forecast date
 - 50% exceedance for Sacramento River Unimpaired Runoff WY forecast: 20.5 MAF (115% of average)
 - Forecasted 50% exceedance for Sacramento Valley Index is 8.6 (Above Normal).
 - Forecasted 75% exceedance for San Joaquin Valley Index is 2.3 (Dry).
- Weather and climate outlooks²: December 1
 - “The NWS Climate Prediction Center (CPC) one-month outlook for December, valid November 30, indicates equal chances of above or below normal temperatures for the entire state with the exception of the far north, and Mojave and Owens Valley where below normal temperatures are favored. The same outlook predicts above normal precipitation for the far north and equal chances of above or below normal precipitation elsewhere.”
 - “The CPC three-month (December-January-February) outlook, posted November 17, indicates increased chances of above normal temperatures for the entire state. Precipitation is forecasted below normal south of Monterey Bay and Yosemite National Park Regions. Otherwise equal chances of above or below normal precipitation is forecasted for the state.”
 - “La Niña conditions are present. Equatorial sea surface temperatures (SST) are below average in the central and east-central Pacific Ocean. La Niña is slightly favored to persist (~55% chance) through winter 2016-17.”

¹<http://www.dwr.water.ca.gov/swp/operationscontrol/deltaops.cfm>

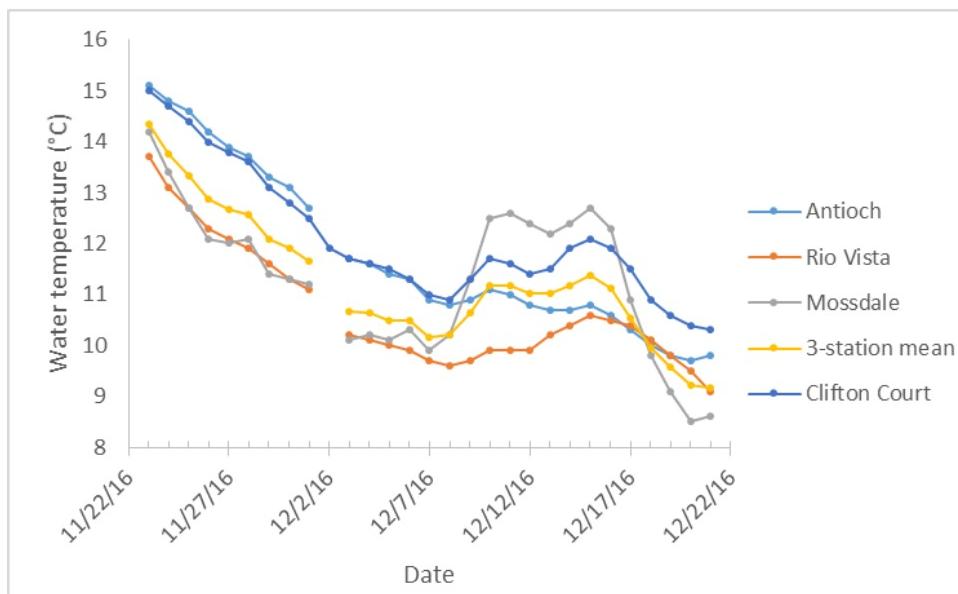
²“December 1, 2016 Water Supply Index Forecast” email, John J. King, DWR, 12/8/16

³<http://cdec.water.ca.gov/index.html>

⁴<https://waterdata.usgs.gov/ca/nwis/>

⁵https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

- Temperature³



- Delta outflow index as of 12/22¹: ~65,700 cfs
 - November–December monthly outflow requirement is 4,500 cfs, with a 7-day average not less than 3,500 cfs (D-1641). December status as of 12/21 is 32,584 cfs and 74,939 cfs, respectively.
 - January requirement is 4,500 cfs, with a 7-day average not less than 3,500 cfs, unless the Eight River Index estimate for December is >800 TAF in which case the requirement is 6,000 cfs with a 7-day average not less than 4,800 cfs (D-1641).

¹<http://www.dwr.water.ca.gov/swp/operationscontrol/deltaops.cfm>

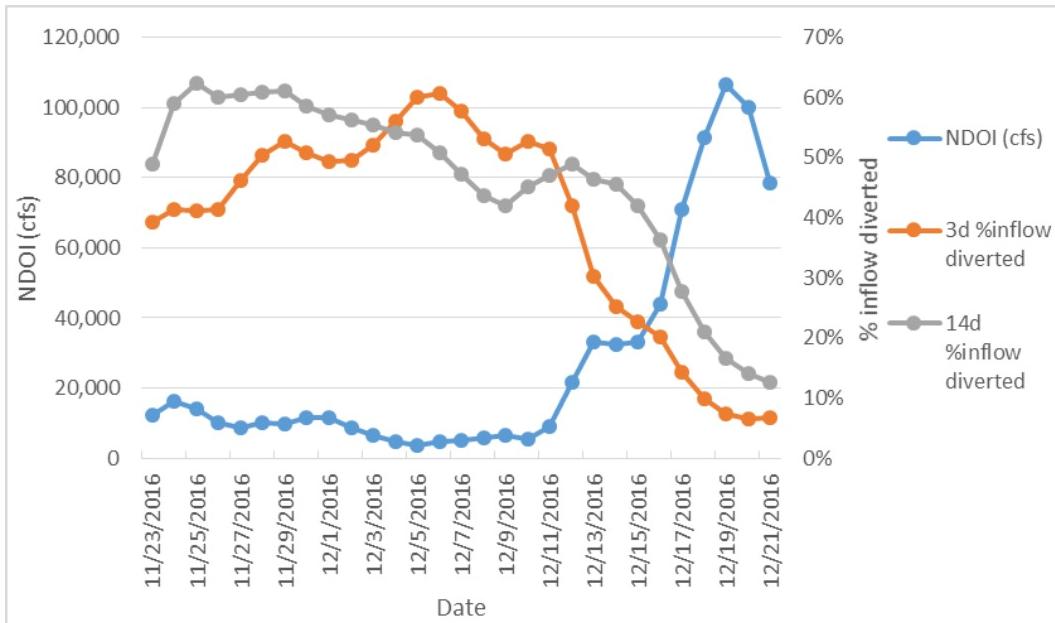
²"December 1, 2016 Water Supply Index Forecast" email, John J. King, DWR, 12/8/16

³<http://cdec.water.ca.gov/index.html>

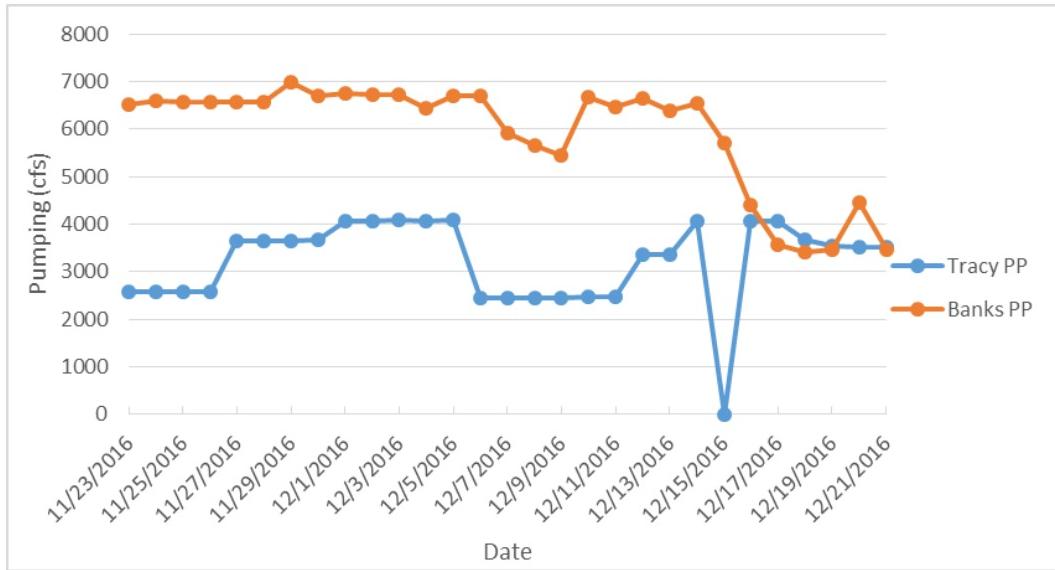
⁴<https://waterdata.usgs.gov/ca/nwis/>

⁵https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

- Total Delta inflow as of 12/22¹: ~74,874 cfs
 - Sacramento flow: 71,564 cfs
 - San Joaquin flow: 1,218 cfs
 - % inflow diverted (14-day average): 11.7%.
 - For % inflow diverted, July–January standard is 65% (D-1641).



- Exports³:



- 12/22 scheduled exports: 3,500 cfs Clifton Court inflow; 3,500 cfs Jones/Tracy PP.¹

¹<http://www.dwr.water.ca.gov/swp/operationscontrol/deltaops.cfm>

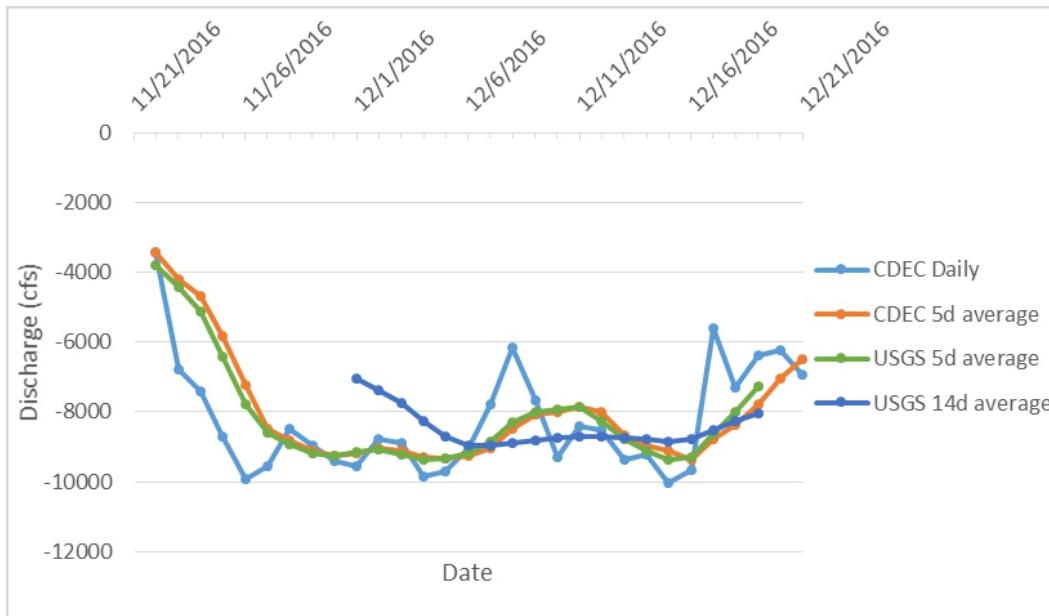
²"December 1, 2016 Water Supply Index Forecast" email, John J. King, DWR, 12/8/16

³<http://cdec.water.ca.gov/index.html>

⁴<https://waterdata.usgs.gov/ca/nwis/>

⁵https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

- Tidally-filtered OMR^{3,4}:



REGULATORY

- Delta smelt
 - “The Working Group reviewed current Delta conditions, survey data, and forecasted weather and maintains their December 13, 2016 recommendation that the Service implement Action 1 of the RPA (-2,000 cfs OMR for 14 days with a corresponding 5 day average OMR of -2,500 cfs) as soon as practicable” (SWG notes⁵, 12/19/16).
 - “Members recommended that should the Service not implement Action 1 this week that they direct the SWG to look to Action 2 for guidance in assessing risk of entrainment. Should this occur, the SWG likely will want to meet again before December 27 to reassess the risk of entrainment and recommend an OMR flow that would provide adequate protection to the species. SWG members stressed the importance of providing immediate additional protections beyond those currently in place. Members emphasize that current OMR levels (approximately -6,000 cfs) put some proportion of the population at increased risk of entrainment (SWG notes⁵, 12/19/16).
 - “For the time being, the planned operations appear adequate to avoid turbidity bridges in Old and Middle rivers, with less water supply impact than would have occurred under Action 1. Based on this intended operation and settling conditions in the Delta, the Service does

¹<http://www.dwr.water.ca.gov/swp/operationscontrol/deltaops.cfm>

²“December 1, 2016 Water Supply Index Forecast” email, John J. King, DWR, 12/8/16

³<http://cdec.water.ca.gov/index.html>

⁴<https://waterdata.usgs.gov/ca/nwis/>

⁵https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

not believe that Action 1 is currently necessary in response to last week's storm. It is still very early in the adult delta smelt salvage season and the Service remains prepared to make a determination under Action 1 of the BiOp if necessary" (FWS response to SWG recommendation⁵, 12/21/16).

- See below for relevant RPAs:

2008 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
Action 1: Adult migration and entrainment (first flush) (RPA Component 1)	A	Dec. 1 - Dec. 20	Smelt Working Group may recommend a start date for the Action to the Service, based on conditions.		
	B	After Dec. 20	(1) Three-day average turbidity at Prisoner's Point, Holland Cut, and Victoria Canal are each > 12 NTU. (2) Three days of DS salvage at either facility. (3) Cumulative daily salvage \geq 1/2 prior year FMWT value.	FWS not implementing SWG recommendation to implement Action 1 (FWS response to SWG recommendation, 12/21/16).	"Limit exports so that the average daily OMR flow is no more negative than -2,000 cfs for a total duration of 14 days, with a 5-day running average no more negative than 2,500 cfs (within 25 percent)" (p. 329). SWG can recommend delayed start or interruption based on conditions affecting entrainment vulnerability.
	Offramp	.	(1) Water temp reaches 12°C based on three-station daily mean at Mossdale, Antioch, Rio Vista. (2) Onset of spawning (presence spent females in SKT, Banks, or Jones).		Action 3 triggered, unless Service decides Action 2 should be implemented instead.
Action 2: Adult migration and entrainment (RPA Component 1)	.	.	Begins after Action 1. If Action 1 not implemented, SWG recommends start date.		Range of net daily OMR flows no more negative than -1,250 to -5,000 cfs. Specific flows recommended by SWG in weekly recommendations, based on conditions. Guidelines discussed in BiOp. OMR flow based on 14-day running average with 5-day running average within 25% of required OMR flow. OMR flow requirements do not apply when three-day flow average is \geq 90,000 cfs in Sacramento River at Rio Vista and 10,000 cfs in San Joaquin River at Vernalis.
	Offramp	.	(1) Water temp reaches 12°C based on three-station daily mean at Mossdale, Antioch, Rio Vista. (2) Onset of spawning (presence spent females in SKT, Banks, or Jones).		Action 3 initiated.

- Longfin smelt

- "The Smelt Working Group has no advice for Longfin Smelt: the "off-ramp" for advice, net flow of 55,000 cfs at Rio Vista, was surpassed on December 17 and remains above the off-ramp level" (SWG notes⁵, 12/19/16).
- See below for relevant RPAs:

¹<http://www.dwr.water.ca.gov/swp/operationscontrol/deltaops.cfm>

²"December 1, 2016 Water Supply Index Forecast" email, John J. King, DWR, 12/8/16

³<http://cdec.water.ca.gov/index.html>

⁴<https://waterdata.usgs.gov/ca/nwis/>

⁵https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

2009 Longfin smelt ITP Condition	Trigger stage	Trigger month	Trigger	WY 2017 information	Regulation
5.1 (OMR flow)	.	Dec. - Feb.	(1) Cumulative salvage index (=cumulative combined salvage/FMWI index) >5 OR (2) Review of abundance and distribution survey data and other biological factors affecting entrainment risk of adults indicates OMR flow advice warranted.	No longfin smelt salvage as of 12/21.	SWG provides OMR flow advice to WOMT and Director of DFG weekly. Condition not likely to occur in many years. Would not trigger or would cease if Sacramento at Rio Vista > 55,000 cfs or San Joaquin at Vernalis > 8,000 cfs; retriggered at 40,000 and 5,000 cfs, respectively.
	Offramp		Spawning detected.		Condition 5 begins.
5.2 (OMR flow)	.	Jan. - June	Flow advice warranted when SLS or 20mm Survey sampling period results in (1) LFS larvae or juveniles found in 8 or more of the 12 stations in the central and south Delta (stations 809, 812, 815, 901, 906, 910, 912, 914, 915, 918, 919). (2) Catch per tow > 15 LFS larvae or juveniles in 4 or more of above 12 stations.		SWG or DFG SWG personnel provides OMR flow advice to WOMT and Director weekly. OMR flow advice will be between -1,250 and -5,000 cfs and based on survey data. Likely scenarios: Jan.-Mar. (high entrainment risk)= -1,250 to -5,000 cfs; Apr. - May (medium risk)= -2,000 to -5,000 cfs; June (low risk)= -5,000 cfs. Would not trigger or would cease if Sacramento at Rio Vista > 55,000 cfs or San Joaquin at Vernalis > 8,000 cfs; retriggered at 40,000 and 5,000 cfs, respectively.

- Salmonids

- See below for relevant RPAs:

¹<http://www.dwr.water.ca.gov/swp/operationscontrol/deltaops.cfm>

²"December 1, 2016 Water Supply Index Forecast" email, John J. King, DWR, 12/8/16

³<http://cdec.water.ca.gov/index.html>

⁴<https://waterdata.usgs.gov/ca/nwis/>

⁵https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
IV.1.1 (Monitoring and alerts to trigger changes in DCC operations)	"First alert"	Oct. - Apr.	(1) Mean daily flow >95 cfs in Mill or Deer Creek OR (2) Starting in Oct., an increase in tributary flow of > 50% over levels immediately preceding flow spike--> indicates cues for emigration initiation.		Either criterion can trigger the alert. Alert signals that gate operations might need alteration in near future to avoid diverting outmigrating Chinook.
	"Second alert"		(1) Water temp < 13.5°C at Knights Landing AND (2) Flows greater than 7,500 cfs at Wilkins Slough--> associated with recovering emigrating Chinook at Knights Landing.		Alert triggered when both second alert criteria met.
IV.1.2 (DCC gate operations)	N/A	Dec. 15-Jan. 31	Gates may be opened for up to 5 days for NMFS-approved experiment, or for one-time event between Dec. 15-Jan. 5 when needed to maintain WQ in response to high tide coupled with low inflow.	Gates are closed.	Gates closed, dependent on triggers.
		Feb. - May 20	N/A		Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Nov. - Dec.	Catch index > 10 fish/d from either Knights Landing or Sacramento Catch Index.	Not currently triggered, as reported 12/22 (Bay Delta Live DOSS dashboard). Triggered most recently on 12/13 and 12/16 (12/20/16 DOSS update for DCT)	In conjunction with two DCC-closure triggers (Action IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta.
			(1) Daily SWP/CVP older juvenile loss density > 8 fish/TAF. (2) Daily loss > 95 fish/d. (3) CNFH CWT late fall-run Chinook or LSNFH CWT winter-run cumulative loss > 0.5%.	Not triggered, as of 12/21.	When any trigger criterion met, reduce exports to combined 6,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.
			(1) Daily SWP/CVP older juvenile loss density > 15 fish/TAF. (2) Daily loss > 120 fish/d. (3) CNFH CWT LFR or LSNFH CWT WNT cumulative loss > 0.5%.	Not triggered, as of 12/21.	When any trigger criterion met, reduce exports to combined 4,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
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¹<http://www.dwr.water.ca.gov/swp/operationscontrol/deltaops.cfm>

²"December 1, 2016 Water Supply Index Forecast" email, John J. King, DWR, 12/8/16

³<http://cdec.water.ca.gov/index.html>

⁴<https://waterdata.usgs.gov/ca/nwis/>

⁵https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

IV.2.3 (OMR flow management)	First stage	Jan. 1 - June 15	(1) (With rapid genetic analysis occurring) Daily SWP/CVP genetic Winter-run Chinook salmon loss density > VR ITL/2000, with minimum of 2.5 fish/TAF		OMR flows limited to -5,000 cfs based on 14-day running average of tidally filtered flow, with 5-day running average \leq 25% more negative than targeted 14-day average requirement. Reductions when any trigger criterion is met-> Average net OMR flow of -3,500 cfs for minimum 5 consecutive days. Five-day running average OMR flows \leq 25% more negative than targeted flow level at any time during 5-day running average period (e.g., -4,375 cfs average over five days). Resumption of -5000 cfs flows allowed when average daily fish density is less than trigger density for last 3 days of export reduction. Alternate regulation is immediate reduction of exports to 1,500 cfs until required OMR limit met.
			(2) (With rapid genetic analysis occurring) Daily SWP/CVP genetic Winter-run Chinook salmon loss > 8 fish/TAF multiplied by volume exported (TAF)		
			(3) CNFH CWT LFR or LSNFH CWT WR cumulative loss > 0.5% for each surrogate release group		
			(4) Daily loss wild steelhead > 8 fish/TAF multiplied by volume exported (TAF)		
Second stage (high concern)		Jan. 1 - June 15	(1) (With rapid genetic analysis occurring) Daily SWP/CVP genetic Winter-run Chinook salmon loss density > VR ITL/1000, with minimum of 5.0 fish/TAF		OMR flows limited to -5,000 cfs based on 14-day running average of tidally filtered flow, with 5-day running average \leq 25% more negative than targeted 14-day average requirement. Reductions when any trigger criterion is met-> Average net OMR flow of -2,500 cfs for minimum 5 consecutive days. Resumption of -5,000 cfs allowed when average daily fish density less than trigger density for last 3 days of export reduction. Alternate regulation is immediate reduction of exports to 1,500 cfs until required OMR limit met.
			(2) (With rapid genetic analysis occurring) Daily SWP/CVP genetic Winter-run Chinook salmon loss > 12 fish/TAF multiplied by volume exported (TAF)		
			(3) Daily loss wild steelhead > 12 fish/TAF multiplied by volume exported (TAF)		
	End of triggers	Jan. 1 - June 15	Action continued until June 15 or when average daily water temperature at Mossdale > 22°C (72°F) for seven consecutive days in June.		Regulations lifted when trigger for end of OMR regulation is met.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Jan. - Apr.	Catch index > 10 fish/d (Nov. - Feb.) or > 15 fish/d (Mar. - Apr.) from either Knights Landing or Sacramento Catch Index.		In conjunction with two DCC-closure triggers (IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta. Implement Action IV.2.3 (restrict OMR flows rather than having set levels of exporting).

DELTA SMELT

- **Salvage:**
 - "After a review of the hydrology data, members indicated their assertion that First Flush conditions continue to move through the Delta" (SWG notes¹, 12/19/16). For more discussion of hydrology, turbidity, and distribution, see p. 3. "The SWG agrees that the current hydrological conditions are what Action 1 in the Biological Opinion is intended to respond to. The SWG believes it is appropriate to begin Action 1 now, in order to control how far south high turbidity encroaches into the Old River corridor, and to encourage Delta Smelt to remain in the lower San Joaquin River or move into the Sacramento River. The group emphasized a point that was made last week (and historically), that the migration period is the most effective time to manage OMR levels and achieve desired results that can positively affect the distribution of the species for the remainder of the season (and the subsequent risk of entrainment). Members expect that Delta Smelt have begun their migration to spawning habitat. Migration is anticipated to continue until spawning begins, or approximately March. Individuals are anticipated to move upstream with the turbidity field, and then to remain in position with the receding tide" (SWG notes¹, 12/19/16).

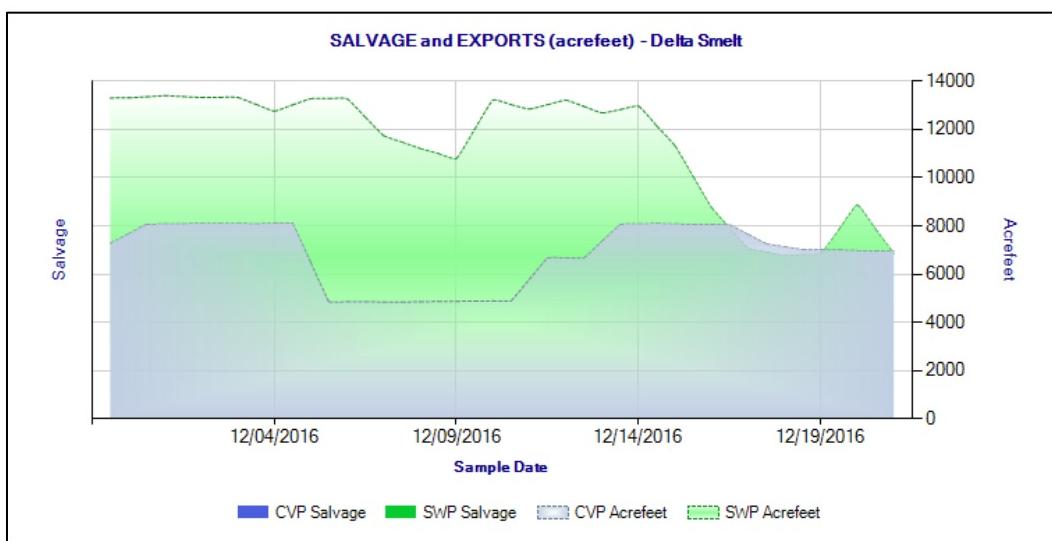


Figure: Recent delta smelt salvage (adults and juveniles) at both facilities (none in time period shown). Data through 12/21, graph from CDFW².

	Combined salvage ² as of 12/21/16	Concern level for WY 2017	ITL for WY 2017
Adult	0	Not yet known	
Juvenile	0	Not yet known	

- **Enhanced Delta Smelt Monitoring:**

¹https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

²<http://www.dfg.ca.gov/delta/apps/salvage/SalvageExportCalendar.aspx>

³<https://www.wildlife.ca.gov/Conservation/Delta/Bay-Study>

⁴<ftp://ftp.dfg.ca.gov/salvage/>

- “EDSM was in the water last week on Thursday, surveying the lower San Joaquin River. A total of three Delta Smelt were caught at two stations (two upstream from Old River and one at Prisoner’s Point)” (SWG notes¹, 12/19/16). No delta smelt were reported from this Monday’s survey. “On Tuesday, 7 delta smelt were caught, 3 in the San Joaquin River and 4 in the low risk, high density zones (Lower Sacramento River, Suisun Bay, Honker Bay). Additional survey results are expected throughout the week” (FWS response to SWG recommendation¹, 12/21/16).
- **Fall Midwater Trawl index:**
 - September abundance index=0; October abundance index=0.
 - No delta smelt caught in December (SWG notes¹, 12/19/16).
 - The FMWT index (sum of September–December abundance indices) is expected to be released this week or next (SWG notes¹, 12/19/16).
- **December Spring Kodiak Trawl:**
 - Caught 227 delta smelt (SWG notes¹, 12/19/16), 214 of which were from station 706 (lower Sacramento River by Decker Island) (SWG notes¹, 12/12/16).
- **Smelt Larva Survey:** Starts January 3.
- **Spring Kodiak Trawl (regular):** Starts January 9.

¹https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

²<http://www.dfg.ca.gov/delta/apps/salvage/SalvageExportCalendar.aspx>

³<https://www.wildlife.ca.gov/Conservation/Delta/Bay-Study>

⁴<ftp://ftp.dfg.ca.gov/salvage/>

- **Bay Study:**
 - December survey completed during the week of 12/5. “Three delta smelt were caught at station 752 in the Sacramento River near Three Mile Slough” (SWG notes¹, 12/12/16).

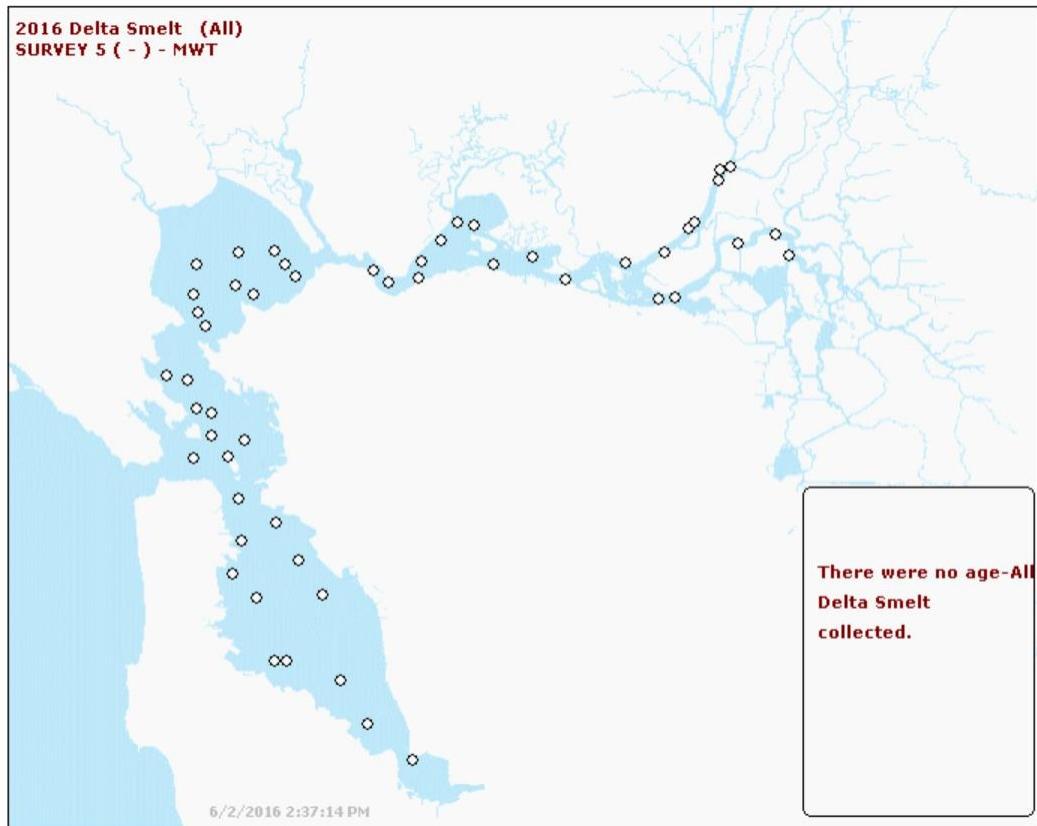


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent figure available). No delta smelt were caught in May. Figure from CDFW³.

LONGFIN SMELT

¹https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

²<http://www.dfg.ca.gov/delta/apps/salvage/SalvageExportCalendar.aspx>

³<https://www.wildlife.ca.gov/Conservation/Delta/Bay-Study>

⁴<ftp://ftp.dfg.ca.gov/salvage/>

- **Salvage:**
 - No salvage² yet this WY (as of 12/21).
 - “Presence of adult Longfin Smelt in the Sacramento River and the likelihood of increasing numbers of adults in the system would otherwise warrant advice, but recent high flows surpassed the Incidental Take Permit flow off-ramp of 55,000 cfs at Rio Vista and have shifted X2 downstream into Suisun Bay and shifted Qwest strongly positive, so any San Joaquin River spawners are unlikely to be entrained into the south Delta and export facilities” (SWG notes¹, 12/19/16).

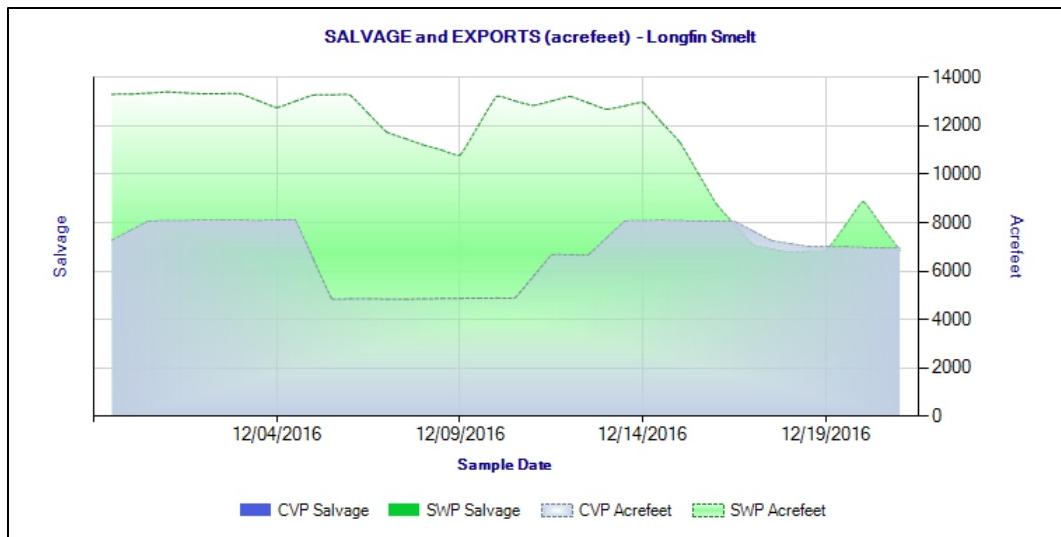


Figure: Recent longfin smelt salvage at both facilities (none in the time frame shown). Data through 12/21, graph from CDFW².

- **Fall Midwater Trawl index:**
 - September abundance index=3; October abundance index=0.
 - December survey caught three longfin smelt, none of which were in the San Joaquin River or south Delta. “However, the December Fall Midwater Trawl did detect Longfin Smelt in the Sacramento River as high as station 813 (Cache Slough at Elkhorn Slough), indicating that Longfin Smelt adults are entering the Delta and are present in the Sacramento River” (SWG notes¹, 12/19/16).
 - The FMWT index (sum of September–December abundance indices) is expected to be released this week or next (SWG notes¹, 12/19/16).
- **December Spring Kodiak Trawl:**
 - In the field the week of 12/5. Was finishing the last eight stations as of 12/12. Two longfin smelt were caught in Honker Bay. Results were not yet reported for stations in Suisun Bay (SWG notes¹, 12/12/16).
- **Smelt Larva Survey:** Starts January 3.
- **Bay Study:**

¹https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

²<http://www.dfg.ca.gov/delta/apps/salvage/SalvageExportCalendar.aspx>

³<https://www.wildlife.ca.gov/Conservation/Delta/Bay-Study>

⁴<ftp://ftp.dfg.ca.gov/salvage/>

- December survey completed during the week of 12/5 (SWG notes, 12/12/16). It caught four longfin smelt throughout the Delta, but none in the San Joaquin River or south Delta (SWG notes¹, 12/19/16).

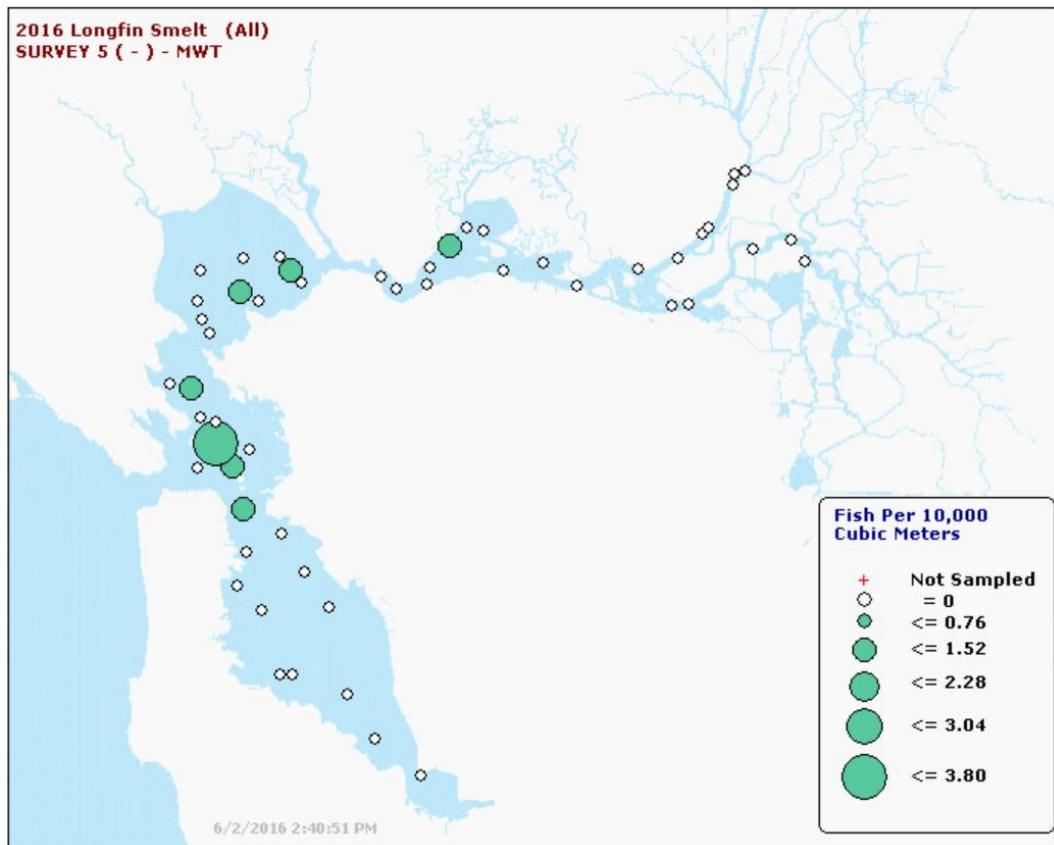


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent figure available). Age-0 longfin smelt were caught in Suisun, San Pablo, and San Francisco Bays. Figure from CDFW³.

¹https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

²<http://www.dfg.ca.gov/delta/apps/salvage/SalvageExportCalendar.aspx>

³<https://www.wildlife.ca.gov/Conservation/Delta/Bay-Study>

⁴<ftp://ftp.dfg.ca.gov/salvage/>

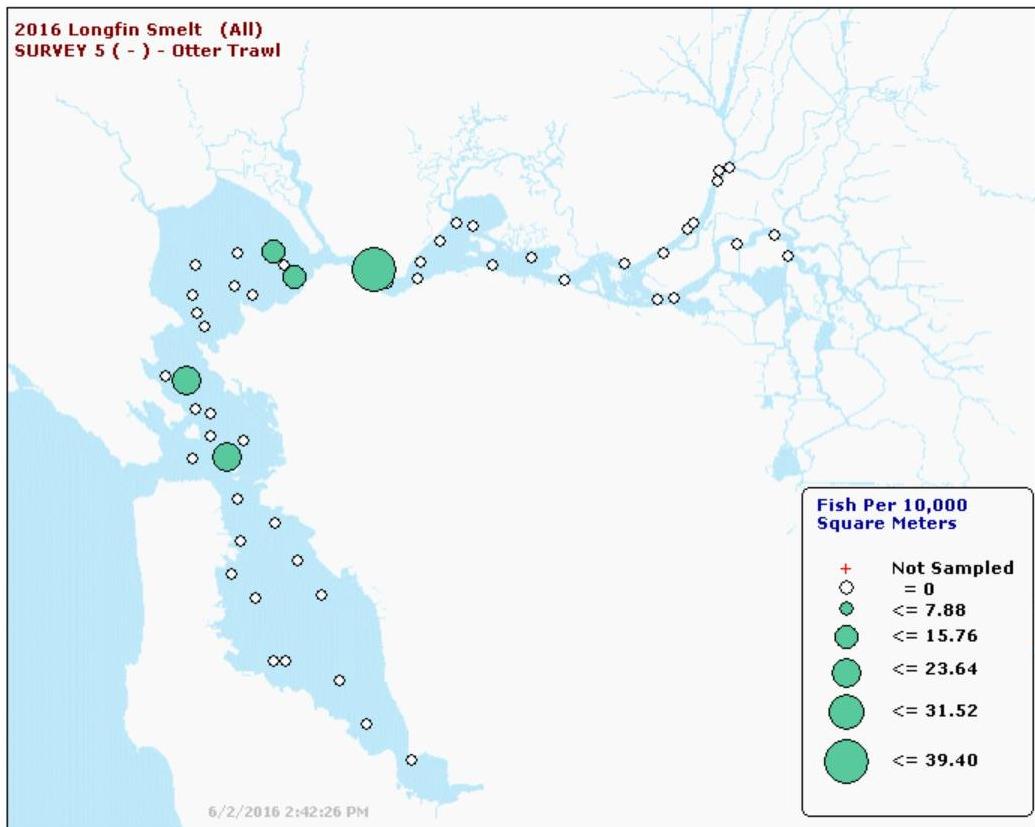


Figure: Monthly otter trawl (demersal/bottom), Survey 5 (May; most recent figure available). Age-0 longfin smelt were caught in the Carquinez Strait, eastern San Pablo Bay, and San Francisco Bay. Figure from CDFW³.

¹https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

²<http://www.dfg.ca.gov/delta/apps/salvage/SalvageExportCalendar.aspx>

³<https://www.wildlife.ca.gov/Conservation/Delta/Bay-Study>

⁴<ftp://ftp.dfg.ca.gov/salvage/>

CHINOOK SALMON

- **Salvage:**

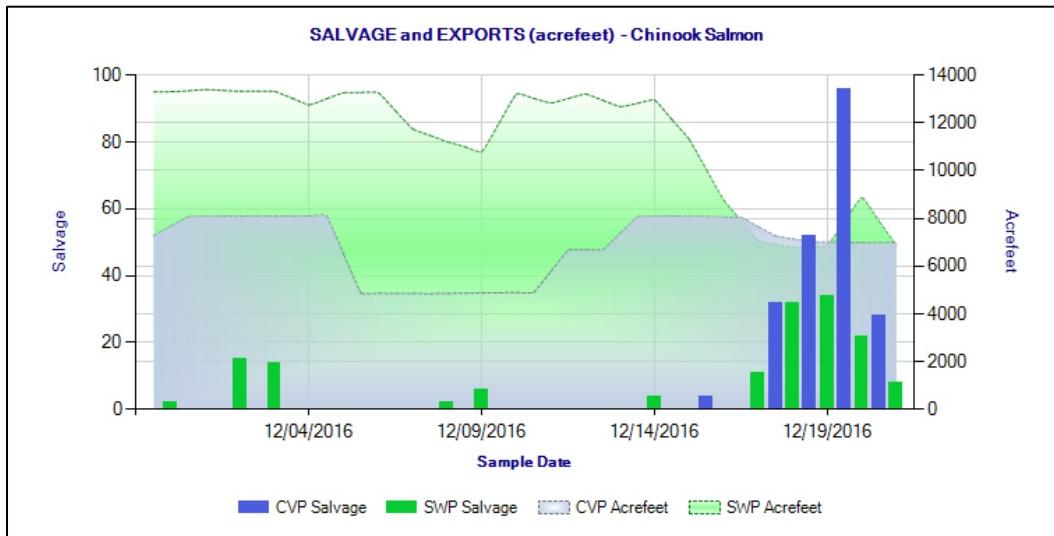


Figure: Recent Chinook salmon salvage at both facilities (all races). Data through 12/21, graph from CDFW².

	Winter-run cumulative combined loss ⁴	Winter-run concern level for WY 2017	Winter-run ITL for WY 2017
Non-clipped (as of 12/21; based on length-at-date)	20.58	Not yet known	
Clipped (hatchery fish not yet released)	n/a	Not yet known	

Coleman NFH Late-fall-run surrogate group	Released spring-run surrogates	Cumulative combined loss ⁴ as of 12/21/16	Spring-run surrogate concern level WY 2017 (0.5%)	Spring-run surrogate ITL WY 2017 (1%)
12/12/2016 release	75,000	0	375	750
12/21/2016 release	81,279	0	406	812

- **DOSS estimates of fish distribution:** (“12.20.2016 DOSS update for DCT.pdf”)
 - Wild young-of-year Winter-run: 35–45% yet to enter Delta, 55–65% in Delta, 0% exited Delta.
 - Wild young-of-year Spring-run: 70–80% yet to enter Delta, 20–30% in Delta, 0% exited Delta.

¹https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

²<http://www.dfg.ca.gov/delta/apps/salvage/SalvageExportCalendar.aspx>

³<https://www.wildlife.ca.gov/Conservation/Delta/Bay-Study>

⁴<ftp://ftp.dfg.ca.gov/salvage/>

STEELHEAD

- **Salvage:**

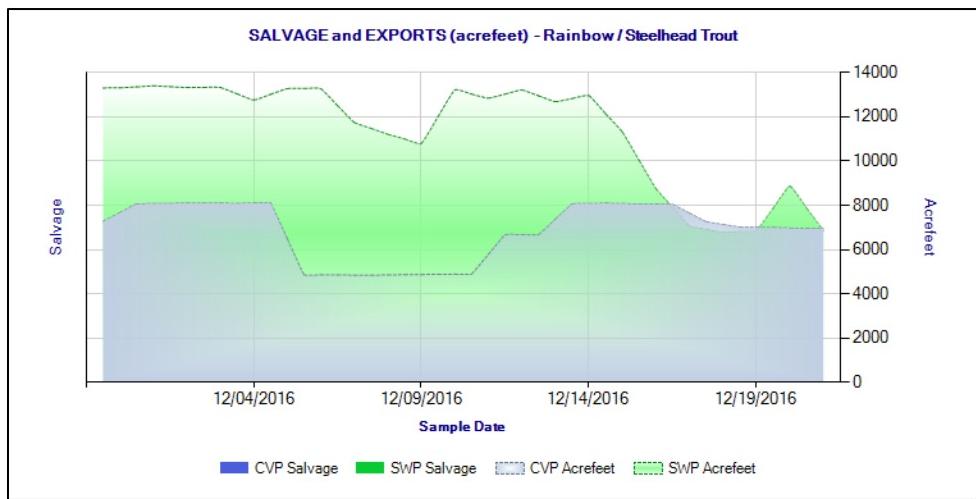


Figure: Recent steelhead salvage at both facilities (clipped and non-clipped; none in time period shown). Non-clipped steelhead salvage date was 11/27 (SWP). Data through 12/21, graph from CDFW².

	Cumulative combined salvage ⁴ for WY 2017 as of 12/21/16	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	4	1,500	3,000

¹https://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

²<http://www.dfg.ca.gov/delta/apps/salvage/SalvageExportCalendar.aspx>

³<https://www.wildlife.ca.gov/Conservation/Delta/Bay-Study>

⁴<ftp://ftp.dfg.ca.gov/salvage/>

From: Johnny Amaral

Sent: Thursday, December 22, 2016 4:39 PM

To: David Bernhardt

Subject: can you talk?

From: Emmerson, Catherine
Sent: Thursday, December 22, 2016 1:30 PM
To: Tom Birmingham
Subject: RE: Friday's Weekly Conference Call

Happy Holidays to you, Tom, from Cabo. My best wishes to you and your family in 2017!

Sent with Good Work (www.blackberry.com)

From: Tom Birmingham <tbirmingham@westlandswater.org>
Date: Thursday, Dec 22, 2016, 11:34 AM
To: 'Bernhardt, David L.' <DBernhardt@BHFS.com>, 'Smith, Ryan A.' <RSmith@BHFS.com>, 'Denny Rehberg' <DRehberg@mercuryllc.com>, DCardoza@foley.com <DCardoza@foley.com>, 'Jennifer Walsh - Foley' <jwalsh@foley.com>, Emmerson, Catherine <cemmerson@sidley.com>, 'Ed Manning' <emanning@ka-pow.com>, 'Carolyn Jensen' <cjensen@ka-pow.com>, 'Mike Burns' <mburns@ka-pow.com>, Michelle Ostrowski <mostrowski@westlandswater.org>, 'Johnny Amaral' <jamaral@westlandswater.org>, 'Gayle Holman' <gholman@westlandswater.org>, Dan W. Pope <dpope@westlandswater.org>, 'Sheila Greene' <s Greene@westlandswater.org>, 'Jason Peltier' <jason.peltier@sldmwa.org>
Subject: Friday's Weekly Conference Call

Ladies and Gentlemen,

December 23 is a holiday for Westlands Water District, and our weekly call is cancelled.

I would like to take this opportunity to thank each of you for the work you have done on behalf of the District. During the last twelve months, we have made significant progress in advancing legislation that furthers the District's interests, and none of that progress would have been achieved without your contribution. Thank you. Let us pray that the momentum started in 2016 will continue in 2017.

Please forward this email to members of your team that I did not include in the email.

Happy Hanukkah and Merry Christmas.

Tom

This e-mail is sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

From: Tom Birmingham
Sent: Thursday, December 22, 2016 11:34 AM
To: 'Bernhardt, David L.'; 'Smith, Ryan A.'; 'Denny Rehberg'; DCardoza@foley.com; 'Jennifer Walsh - Foley'; 'Emmerson, Catherine'; 'Ed Manning'; 'Carolyn Jensen'; 'Mike Burns'; Michelle Ostrowski; 'Johnny Amaral'; 'Gayle Holman'; Dan W. Pope; 'Sheila Greene'; 'Jason Peltier'
Subject: Friday's Weekly Conference Call

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Please forward this email to members of your team that I did not include in the email.

Happy Hanukkah and Merry Christmas.

Tom

From: Johnny Amaral
Sent: Thursday, December 22, 2016 11:33 AM
To: David L. Bernhardt
Subject: Fwd: Deputy Assistant Secretary, Fish, Wildlife, and Parks
Attachments: McClain_Short_Form_Resume.PDF; Final White Paper 122016.pdf

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

Begin forwarded message:

From: Tom Birmingham <tbirmingham@westlandswater.org>
Date: December 22, 2016 at 9:51:07 AM PST
To: "zzNunes, Devin" <[REDACTED]>
Cc: "Ratekin, Anthony" <[REDACTED]>, 'Johnny Amaral'
<jamaral@westlandswater.org>
Subject: Deputy Assistant Secretary, Fish, Wildlife, and Parks

Devin,

Yesterday when we met, you inquired about potential candidates for Interior, particularly people who could serve in positions to oversee Fish and Wildlife. Attached are a short resume of and a paper written by an individual who is interested in serving as a Deputy Assistant Secretary for Fish, Wildlife, and Parks. It is my understanding that this is not a position that requires Senate confirmation.

Tom

David W. McClain
9023 SW 176th Ave
Beaverton, Oregon

Mr. McClain has 40 years' experience developing energy projects throughout the United States. Has managed two startup companies from zero assets to become major independent energy developers. He specializes in development and construction management of complex projects involving multiple layers of federal, state and local jurisdictions. He has lead multidisciplinary teams of civil, mechanical and electrical engineers, biological resource specialist, atmospheric scientist, permitting specialist, legal teams and project finance teams in the successful completion of several thousand megawatts of energy projects involving coal, natural gas, geothermal, biomass and wind energy development. He is a recognized for creating common sense habitat mitigation programs for large energy infrastructure projects and successful permitting strategies. He brings to development an understanding of federal, state and local regulatory requirements as well as construction experience and a strong background in ecological science. Throughout his career he has been responsible for successful development of multiple environmental mitigation programs involving state and federal agencies including compliance with the Endangered Species Act.

His work history includes:

- **2006-Present: Everpower Wind Energy Holdings Co., Sr. Director of Development**
- **1996-2006: DW McClain & Associates, Consultant**
- **1992-1996: MidAmerican Energy Company, Development & Operations Manager**
- **1990-1992: CE Exploration Company, General Manager**
- **1985-1990: California Energy Company Inc., Manager of Project Development**
- **1980-1985: Morrison Knudsen Inc., Power Group Head, Environmental Studies**
- **1978-1980: State of Idaho, Office of the Governor, Natural Resource Staff**
- **1977-1978: Oregon Institute of Technology, GeoHeat Center, Research Faculty**
- **1976-1977: University of Idaho College of Mines, Associate Faculty, Research Fellow**

Education

- **1974, B. Sc. Geology, University of Oregon**
- **1978, Masters in Geography and Natural Resource Management, University of Idaho**

Public Service History

- **Northwest Intermountain & Power Producers Coalition**
- **Deschutes Ecosystem Management Advisory Committee**
- **PNW Regional BLM Resource Advisory Group**
- **Newberry National Volcanic Monument Committee**

Reforming the U.S. Fish and Wildlife Service and Endangered Species Act

David McClain

The Problem

The completion of massive infrastructure development in the United States occurred before enactment of the Endangered Species Act in 1973. The backbone of the country's interstate highway system, intracoastal waterway, oil and gas pipeline network, high voltage electric power grid, airport expansions, and flood control systems were completed before 1973. While incremental expansion of our most essential infrastructure has proceeded, new major infrastructure efforts have not, in large part due to the Endangered Species Act. Before we can meaningfully expand our national infrastructure the inflexible nature of the Endangered Species Act must be corrected.

The Endangered Species Act (ESA, the "Act") is regularly used to delay and/or prevent responsible economic activity. And ironically, the Act has done little to protect endangered or "threatened" species. The Act's administration by the U.S. Fish & Wildlife Service has resulted in less than 2% of the listed species having recovered since the ESA was enacted in 1973. Reforming the Endangered Species Act must begin with creative and substantial reform of the U.S. Fish & Wildlife Service (USF&WS, Service), which administers it.

The ESA is abused by extreme interpretations of its intent. In addition to arresting infrastructure construction, faulty administration of the law regularly prevents responsible development of energy resources, radically affects ranching, farming, timber, and other productive use of private and public lands.

The last time the Endangered Species Act and the U.S. Fish and Wildlife Service underwent major reform was during Clinton Administration. At that time, an agency wide "reorganization" removed or reassigned administrators who did not agree with the incoming administration's distorted interpretation of the law. One consequence of this intentional radicalization was the unjustified listing of the Spotted Owl and resultant decimation of the Pacific Northwest timber industry. President George W. Bush accomplished little to reverse this institutionalized prejudice, which the Obama Administration reinforced.

For nearly a quarter century the USF&WS has been run by an anti-development staff, which has resisted even feeble attempts at reform. It should come as no surprise that the immediate past Principal Deputy Assistant Secretary of Interior for Fish and Wildlife and Parks, Michael Bean, previously led Wildlife Programs for the Environmental Defense Fund.

The Solution

The first step to reform the Endangered Species Act to undo the damage already done is to fundamentally change the perverse culture of the U.S. Fish and Wildlife Service. The new Deputy Assistant Secretary overseeing the Service and the National Parks must understand

the radical preservationist arm of the environmental movement while being fully conversant of the resource stewardship responsibilities of the National Park Service, National Wildlife Refuge System and the Endangered Species Act. The new appointee must be qualified to aggressively reform the agency and work with Congress to modify the Endangered Species Act while also reorienting the management of the National Parks and Wildlife Refuges.

The USF&WS has focused on responding to listing petitions and litigation and intervening to prevent implementation of timber management, mineral leasing, energy development, grazing and other uses of public and private lands. The Service's bureaucrats are committed to preventing land use activity rather than taking action to recover species. They have resisted working with the states and project developers to create mitigation programs and mitigation banks to enhance recovery of species truly at risk. The staff claim they are limited by the current law which is to "provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved." (16 USC 1531 (b)). This interpretation is merely a rationalization for the staff's radical agenda to resist development at all levels of federal, state and local decision making.

Under a Trump Administration there needs to be mechanisms for creation and funding of mitigation banks, by both private and public sources. These investments in wildlife preservation must meaningfully advance wildlife habitat. New legislation is not needed to create mitigation banking, Federal agencies, under section 404 of the Clean Water Act, can require and cooperate to mitigate for the disturbance of a wetland, stream, or endangered species habitat. This type of program can be expanded to promote the recovery of species populations. Mitigation banks often provide higher ecological quality than the impacts they offset. By consolidating mitigation compensation from multiple development activities, banks that are properly maintained and monitored can provide superior ecosystem services at reduced cost. Conservation easements often require funding of a trust specifically dedicated to the long term management of the natural resources the bank is designed to preserve. And most importantly, mitigation banks enable development to move forward. They help ensure no net loss of habitat while reducing the regulatory burden dampening development. Today, the "no net loss of habitat" principle is used by environmentalists in collaboration with USF&WS personnel to resist development instead of working to assure replacement of impacted areas with ecologically functional equivalences by way of mitigation banking.

How the U.S. Fish & Wildlife Service Abuses the Endangered Species Act

The administration of the Endangered Species Act has four essential programs described below.

- **Section 4** authorizes the Service to identify endangered and threatened species. This is the listing function of the ESA and is used to designate "critical habitat" and develop a "recovery plan" for such purposes. More often than not, the USF&WS

charge to preserve critical habitat and form recovery plans translates into ironclad restrictions on land use while dismissing offsets such as mitigation banking .

- **Section 7** requires all federal agencies using the “best scientific and commercial data available” in order to “consult” with U.S. Fish & Wildlife Service or the National Marine Fisheries Service (depending upon the species) to ensure that planned “federal actions” do not “jeopardize” the continued existence of listed species or “adversely modify their critical habitat”. This requirement, grants to USF&WS a virtual veto authority over all other federal actions. The effect of these provisions can be readily seen in delayed or reconfigured construction projects and restrictive measures built into federal forest harvests, grazing plans and energy and mineral leasing.
- **Section 9** requires that all persons, including all private and public entities subject to federal jurisdiction avoid committing a “take” of listed endangered species. The statute defines “take”, which is intended to mean the inadvertent slaying of a protected individual species to include “harm”. Using this overly broad definition the Service includes significant modification of habitat whether or not it leads to an actual death or injury. USF&WS routinely issues letters to potential users of public and private lands warning that their proposed action “may” result in a take, which would trigger financial penalties and even criminal prosecution. In consultation meetings with Service personnel developers often find staff from the USF&WS’ Office of Law Enforcement on hand, an intimidation implying the proposed development is a potentially illegal or “un-lawful” activity. Regardless, the agency does not readily issue “take” permits and its conditions for issuing them, when they do, are protracted, burdensome and insufficiently respectful of property rights holders and the project sponsor.
- **Section 10** establishes criteria for USF&WS to approve “incidental take” of listed species. Although not explicitly defined by law, “incidental take” is described in Section 10 of ESA as “take that is incidental to and not the purpose of the carrying out of an otherwise lawful activity”. Although the statute provides for the issuance of a “take” permit, the Service’s leadership routinely treats all proposed activity as a purposeful and intentional abuse of the ESA. The current program intentionally frustrates lacks the ability to create a workable permit program that provides project developers with clear direction. This hostile and non-cooperative attitude explains why future infrastructure projects will be stalled, litigated and significantly delayed if not outright cancelled.

Projects that have even a limited potential of affecting a listed species, and almost all large infrastructure project do, will run a gauntlet of strict prohibitions against “take” sketched out in Section 9 of the ESA. Project sponsors will have to apply for and receive an

Incidental Take Permit as provided for under Section 10 of Endangered Species Act. The Incidental Take Permit application requires a Habitat Conservation Plan, which outlines the nature of the proposed project, potential effects on listed species, proposed mitigation measures and the funding measures. The intent of the Habitat Conservation Plan is to ensure that the sponsor's project will only harm a listed species in a manner incidental to its lawful operations and that impacts will be minimized. This process can take several years during which USF&WS sets evaluative criteria for baseline data, and makes unreasonable demands for avoidance and imposes unjustified, cost-prohibitive mitigation protocols.

Currently, "ad hoc" committees of agency biologists determine "practical and enforceable" methods, which characterize the suitability of management plans. In other words, they *make it up as they go along* with what they believe is the best available science.

Because there are no established thresholds of allowed take and each case is evaluated based on limited data and perceived impact on a species population the issuance of a take permit devolves into an obstacle course, which varies by regional office and the inclinations of that office's personnel. Proposed projects, which have all other required authorizations to proceed, are hung up on extraordinarily complex, burdensome and ambiguous criteria in the name of ESA compliance.

There is an urgent need to simplify the criteria for Section 10 take permits that are "incidental to and not the purpose of the carrying out of an otherwise lawful activity". For example, Congress should amend the ESA to make issuance of a take permit mandatory provided the petitioner has collected one year of baseline data, prepared a Habitat Conservation Plan, and can show with a statistically valid estimate that the potential take will be less than 0.5% of the entire species population. The issuance of the take permit should be subject to a commitment to provide offsetting mitigation. Congress should also authorize the establishment and sustained funding of habitat mitigation banks paid for by project sponsors.

Litigation under ESA is another problem, which affects the Act's efficient and timely management. Under the Obama Administration the number of petitions for listing of species has increased dramatically. Major environmental groups have abused the petition process by filing hundreds of species under petitions thereby forcing USF&WS to make voluminous listing decisions. An egregious example of this abuse: a single petition, which included 400 species. This aggressive conservationist strategy is intended to overwhelm the Service with listing petitions and then sue and settle with it. The environmentalists' "Sue and Settle" strategy clearly undermines the ESA and creates "analysis paralysis" within the federal bureaucracy. This abuse effects not only USF&WS but other federal agencies that make land use decisions, including the Bureau of Land Management, Department of Defense, Army Corps of Engineers, Department of Energy, and the Department of Transportation.

It is time to force the U.S. Fish and Wildlife Service to refocus on the intent of the Endangered Species Act to protect and recover species while allowing for necessary economic activity and expansion of the nation's infrastructure. The USF&WS must cease serving special interest groups and rewarding environmental lawyers and promote mitigation programs that will stabilize and improve species populations through public and private partnerships.

A Reform Agenda That Will Work

New leadership at the U.S. Fish and Wildlife Service needs to reinvent itself with a culture that delivers transparent regulatory decisions based on realistic scientific standards. New leadership overseeing the Service needs to be prepared to work with the Congress to reform the Endangered Species Act itself. Taken together the result would be consistent, fair and effective implementation of the law's original intent.

True reform would create the following outcomes:

- Focus on species recovery rather than development restrictions.
- List only truly at risk species instead of politically motivated listings, such as the sage grouse, which imposed greater restrictions on grazing and energy development of federal lands. (The sage grouse was later found not to even warrant listing as a "candidate species" well short of "threatened".)
- Encourage the efforts of states, tribes, local units of government and private landowners to protect habitat and deliver meaningful mitigation. This proactive work would deploy habitat banking and conservation plans and easements to resolve real problems.
- Cut off the payment of taxpayer dollars to cover the attorney fees of litigating special interest groups that fosters the "Sue and Settle" abuses.
- Require more transparency and accountability of data and science used in ESA decision-making.
- Establish thresholds of allowed take, which grant take permits for development and other proposed actions, which have legal rights and authorizations to proceed. For example, make issuance of a take permit mandatory provided the developer has one year of baseline data, a Habitat Conservation Plan, a statistically valid estimate of potential take of less than 0.5% of the entire resident species population.
- List only one species per petition and eliminate "Sue and Settle" litigation opportunities.
- Require USF&WS to base its listing decisions on at least two credible scientific studies published in peer reviewed journals from at least two scientists or teams of scientist working independently.

A historical review of Endangered Species Act suggests that after 24 years of policy implementation, continual changing permitting criteria and aggressive environmental litigation, there is no reliable template for infrastructure projects to comply with the

Endangered Species Act. Reform of the Service must take into consideration citizen suits under provisions of Endangered Species Act. The courts have adopted a low evidentiary standard for establishing whether an activity is likely to harm a listed species and trigger a listing. Reform of the Act must establish a threshold of compliance resulting in projects qualifying for exemption or for mandatory issuance of a take permit with mitigation in order to limit litigation.

There is no simple fix to the challenges posed by USF&WS' interpretation of the Endangered Species Act. The ESA has been abused for two and a half decades. Advancement of a new era of infrastructure construction and resource development will be slowed, if not frequently curtailed until federal administration of the Endangered Species Act is reconstituted and ultimately reformed.

David McClain, 12/21/16

Beaverton, Oregon

From: Philip Williams
Sent: Tuesday, December 20, 2016 6:45 PM
To: Bernhardt, David L.
Subject: Re: Are you still here?

Do you see the restaurant?

Philip A. Williams
Deputy General Counsel
Westlands Water District
Office: 916-321-4207
Cell: 931-[REDACTED]

(Sent from my iPhone)

On Dec 20, 2016, at 5:45 PM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

I'm parking

David Bernhardt

On Dec 20, 2016, at 4:53 PM, Philip Williams <pwilliams@westlandswater.org> wrote:

Philip A. Williams
Deputy General Counsel
Westlands Water District
Office: 916-321-4207
Cell: 931-[REDACTED]

(Sent from my iPhone)

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

From: Bernhardt, David L.
Sent: Tuesday, December 20, 2016 6:45 PM
To: Philip Williams
Subject: Re: Are you still here?

I'm parking

David Bernhardt

On Dec 20, 2016, at 4:53 PM, Philip Williams <pwilliams@westlandswater.org> wrote:

Philip A. Williams
Deputy General Counsel
Westlands Water District
Office: 916-321-4207
Cell: 931-[REDACTED]

(Sent from my iPhone)

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From: Bernhardt, David L.
Sent: Tuesday, December 20, 2016 6:00 PM
To: Philip Williams
Subject: Re: Are you still here?

Yes and I will be until your done

David Bernhardt

On Dec 20, 2016, at 4:53 PM, Philip Williams <pwilliams@westlandswater.org> wrote:

Philip A. Williams
Deputy General Counsel
Westlands Water District
Office: 916-321-4207
Cell: 931-[REDACTED]

(Sent from my iPhone)

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From: Philip Williams
Sent: Tuesday, December 20, 2016 5:53 PM
To: David L. 'Bernhardt
Subject: Are you still here?

Philip A. Williams
Deputy General Counsel
Westlands Water District
Office: 916-321-4207
Cell: 931-[REDACTED]

(Sent from my iPhone)

From: David Bernhardt
Sent: Tuesday, December 20, 2016 6:34 AM
To: Thomas W. (Tom) Birmingham Esq.; Johnny Amaral
Subject: Fwd: McCarthy Facebook Ad on CA Water Victory

David Bernhardt
202 [REDACTED]

Begin forwarded message:

From: "Hrobsky, Jon A." <JHrobsky@BHFS.com>
Date: December 20, 2016 at 4:22:26 AM PST
To: "Bernhardt, David L." <DBernhardt@BHFS.com>, "Smith, Ryan A." <RSmith@BHFS.com>, "Johnson, Luke D." <LJohnson@BHFS.com>
Subject: McCarthy Facebook Ad on CA Water Victory

<https://www.facebook.com/kevinomccarthy/videos/10154840068551103/>

Jon Hrobsky
Policy Director
Brownstein Hyatt Farber Schreck
Energy, Environment & Resource Strategies
202-872-5294 (Direct)
202-[REDACTED]-[REDACTED] (Cell)

From: Holly Long

Sent: Thursday, December 15, 2016 9:10 PM

To: ara.azhderian@sldmwa.org; Carolyn Jensen; Chris White; David Bernhardt; Dennis Cardoza; Frances Brewster (FBrewster@valleywater.org); Frances Mizuno; Jason Peltier (jason.peltier@sldmwa.org); Jon Rubin (Jon.Rubin@sldmwa.org); Judy Bendix; O'Hanlon, Daniel; pwilliams@westlandswater.org; sfong@sfcwa.org; Sheila Greene (sgreene@westlandswater.org); Steve Chedester; Tom Boardman (tboardman@apex.net)

Subject: Delta conditions report

Attachments: 2016-12-15-DeltaConditionsReport.docx

Hi everyone,

The Delta conditions report is attached.

Thank you,

Holly

Holly Long

Mosaic Associates

1690 San Pablo Avenue, Suite D

Pinole, CA 94564

holly@mosaicassociates.net

510.964.0394 office

510.964.0396 fax

[REDACTED] cell

DELTA CONDITIONS REPORT, DECEMBER 15, 2016

Holly Long, SLDMWA

EXECUTIVE SUMMARY

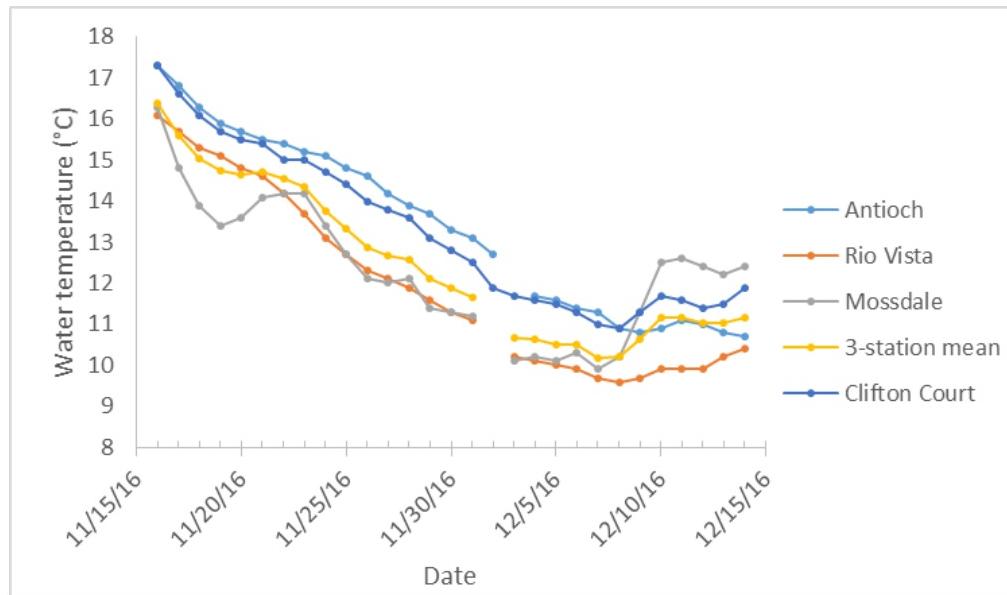
- Operational constraint: Available capacity.
 - X2 today is 79 km (between Chipps Island and Collinsville).
 - Scheduled combined exports today are 9,700 cfs.
 - Outflow index today is ~33,100 cfs.
 - Tuesday's CDEC OMR values were -9,239 cfs (daily), -8,969 cfs (5-day), -8,731 (14-day).
 - % inflow diverted today is 42.1% (14-day average).
- Salvage and ITLs, WY 2017
 - Steelhead, non-clipped salvage (12/14): 0.1% of ITL.
 - No salvage for other listed species yet this water year (as of 12/14).
- Surveys/monitoring
 - **Delta smelt**, most recent surveys:
 - Fall Midwater Trawl: September and October abundance indices=0 (overall FMWT index is sum of September–December indices).
 - **Longfin smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=3, October abundance index=0 (overall FMIWT index is sum of September–December indices).
- Expectations
 - “DOSS expects more winter-run and spring-run to enter the Delta in the coming week given the higher flows and turbidities expected with the forecasted rain” (“12.13.16 DOSS update for 12.16.16 DCT.pdf,” B. Byrne).
 - Smelt Larva Survey starts January 3.
 - Spring Kodiak Trawl starts January 9.

DELTA CONDITIONS REPORT, DECEMBER 15, 2016

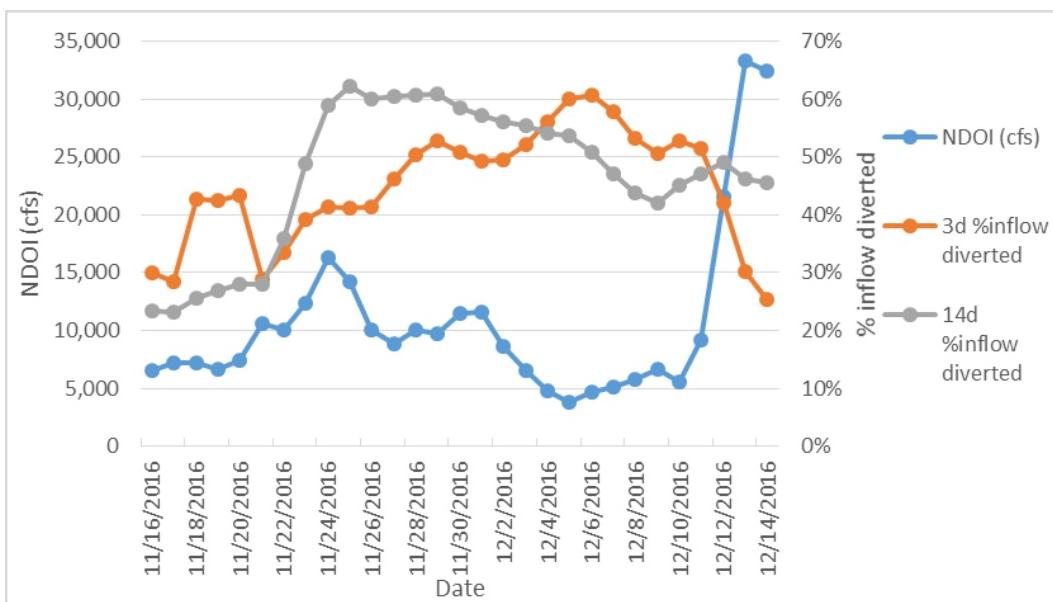
PHYSICAL CONDITIONS

- Currently controlling operations: Available capacity.
- Location of X2, 12/15: 79 km (between Chipp's Island and Collinsville).
- DCC status, 12/15: Closed.
- Turbidity (at sites in delta smelt BiOp)
 - Three-day mean Prisoner's Point: 9.0 NTU on 12/14
 - Three-day mean Holland Cut: 5.2 NTU on 12/14
 - Three-day mean Victoria Canal: 4.3 NTU on 12/14
- South Delta temporary barriers update: December 2 (Email from M. Abioui, DWR, 12/2)
 - Fall Head of Old River Barrier was breached on 11/11 and completely removed by 11/21.
 - Old River at Tracy barrier was breached on 10/20 and completely removed by 11/29.
 - Middle River barrier was breached 11/18 and removal was completed by 11/30.
 - Grant Line Canal barrier was breached on 10/28 and removal was completed on 11/17.
- Water Supply Index (WSI) forecast: December 1 forecast date (December 1, 2016 Water Supply Index Forecast email, John J. King, DWR, 12/8/16)
 - 50% exceedance for Sacramento River Unimpaired Runoff WY forecast: 20.5 MAF (115% of average)
 - Forecasted 50% exceedance for Sacramento Valley Index is 8.6 (Above Normal).
 - Forecasted 75% exceedance for San Joaquin Valley Index is 2.3 (Dry).
- Weather and climate outlooks: December 1 (WSI email, John J. King, DWR, 12/8/16)
 - "The NWS Climate Prediction Center (CPC) one-month outlook for December, valid November 30, indicates equal chances of above or below normal temperatures for the entire state with the exception of the far north, and Mojave and Owens Valley where below normal temperatures are favored. The same outlook predicts above normal precipitation for the far north and equal chances of above or below normal precipitation elsewhere."
 - "The CPC three-month (December-January-February) outlook, posted November 17, indicates increased chances of above normal temperatures for the entire state. Precipitation is forecasted below normal south of Monterey Bay and Yosemite National Park Regions. Otherwise equal chances of above or below normal precipitation is forecasted for the state."
 - "La Niña conditions are present. Equatorial sea surface temperatures (SST) are below average in the central and east-central Pacific Ocean. La Niña is slightly favored to persist (~55% chance) through winter 2016-17."

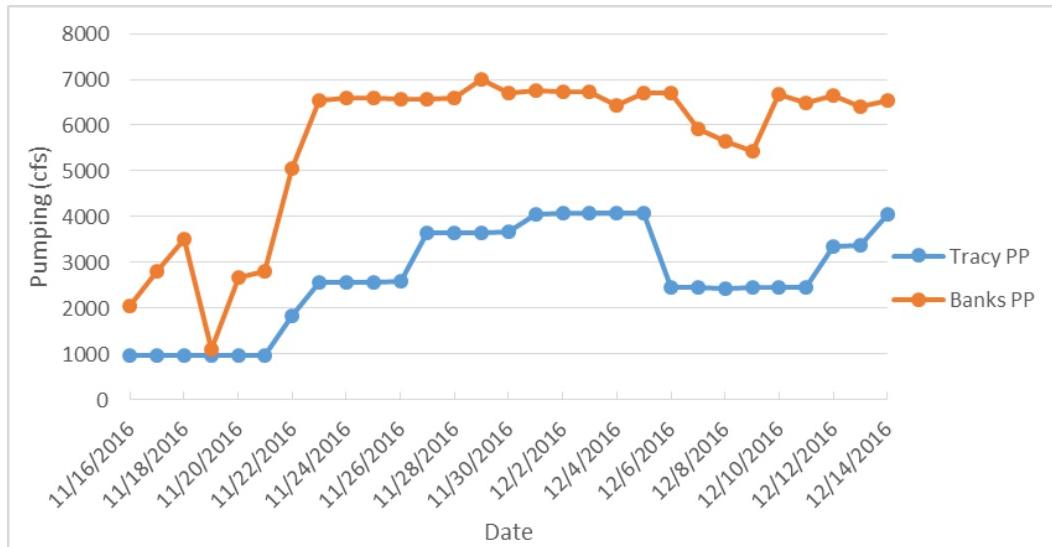
- Temperature



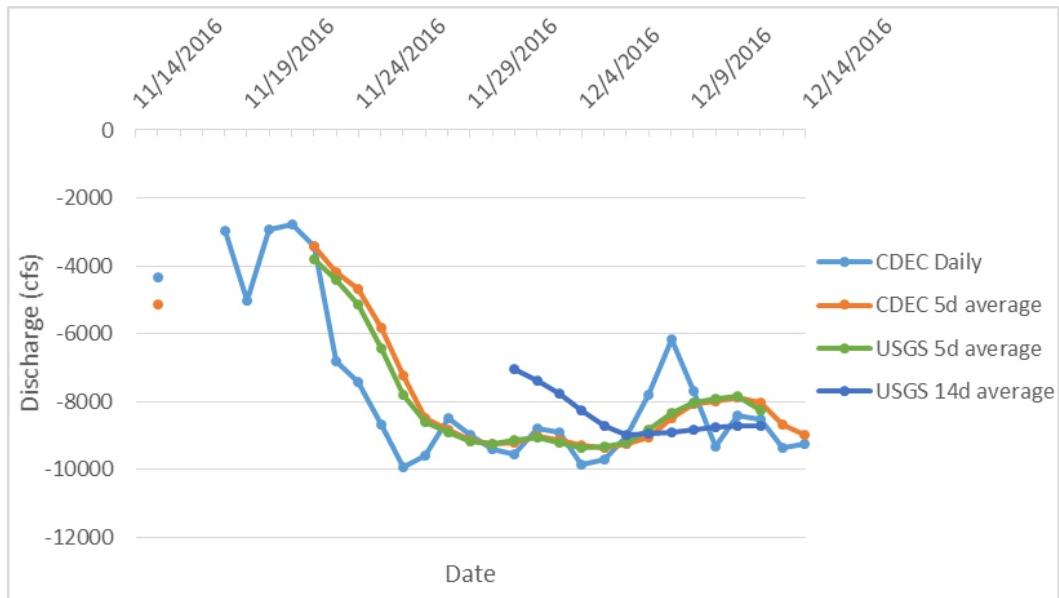
- Delta outflow index as of 12/15: ~33,100 cfs
 - November–December monthly outflow requirement is 4,500 cfs, with a 7-day average not less than 3,500 cfs. December status as of 12/14 is 11,406 cfs and 16,357 cfs, respectively.
- Total Delta inflow as of 12/15: ~44,714 cfs
 - Sacramento flow: 41,959 cfs
 - San Joaquin flow: 926 cfs
 - % inflow diverted (14-day average): 42.1%.
 - For % inflow diverted, July–January standard is 65%.



- Exports:
 - 12/15 scheduled exports: 5,500 cfs Clifton Court inflow; 4,200 cfs Jones/Tracy PP.



- Tidally-filtered OMR:



REGULATORY

- **Delta smelt**

- See below for relevant RPAs:

2008 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
Action 1: Adult migration and entrainment (first flush) (RPA Component 1)	A	Dec. 1 - Dec. 20	Smelt Working Group may recommend a start date for the Action to the Service, based on conditions.		"Limit exports so that the average daily OMR flow is no more negative than -2,000 cfs for a total duration of 14 days, with a 5-day running average no more negative than -2,500 cfs (within 25 percent)" (p. 329). SWG can recommend delayed start or interruption based on conditions affecting entrainment vulnerability.
	B	After Dec. 20	(1) Three-day average turbidity at Prisoner's Point, Holland Cut, and Victoria Canal are each > 12 NTU. (2) Three days of DS salvage at either facility. (3) Cumulative daily salvage ≥ 1/2 prior year FMWT value.		
	Offramp	.	(1) Water temp reaches 12°C based on three-station daily mean at Mossdale, Antioch, Rio Vista. (2) Onset of spawning (presence spent females in SKT, Banks, or Jones).		Action 3 triggered, unless Service decides Action 2 should be implemented instead.

- **Longfin smelt**

- See below for relevant RPAs:

2009 Longfin smelt ITP Condition	Trigger stage	Trigger month	Trigger	WY 2017 information	Regulation
5.1 (OMR flow)	.	Dec. - Feb.	(1) Cumulative salvage index (=cumulative combined salvage/FMWT index) >5 OR (2) Review of abundance and distribution survey data and other biological factors affecting entrainment risk of adults indicates OMR flow advice warranted.	No longfin smelt salvage as of 12/14.	SWG provides OMR flow advice to WOMT and Director of DFG weekly. Condition not likely to occur in many years. Would not trigger or would cease if Sacramento at Rio Vista > 55,000 cfs or San Joaquin at Vernalis > 8,000 cfs; retriggered at 40,000 and 5,000 cfs, respectively.
	Offramp		Spawning detected.		Condition 5.2 begins.

- **Salmonids**

- See below for relevant RPAs:

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
IV.1.1 (Monitoring and alerts to trigger changes in DCC operations)	"First alert"	Oct. - Apr.	{1} Mean daily flow >95 cfs in Mill or Deer Creek OR {2} Starting in Oct., an increase in tributary flow of > 50% over levels immediately preceding flow spike--> indicates cues for emigration initiation.		Either criterion can trigger the alert. Alert signals that gate operations might need alteration in near future to avoid diverting outmigrating Chinook.
	"Second alert"	.	{1} Water temp < 13.5°C at Knights Landing AND {2} Flows greater than 7,500 cfs at Wilkins Slough--> associated with recovering emigrating Chinook at Knights Landing.		Alert triggered when both second alert criteria met.
IV.1.2 (DCC gate operations)	N/A	Dec. 15-Jan. 31	Gates may be opened for up to 5 days for NMFS-approved experiment, or for one-time event between Dec. 15-Jan. 5 when needed to maintain WQ in response to high tide coupled with low inflow.	Gates are closed.	Gates closed, dependent on triggers.
		Feb. - May 20	N/A		Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Nov. - Dec.	Catch index > 10 fish/d from either Knights Landing or Sacramento Catch Index.	Triggered based on Knights Landing index (57.93) as reported 12/15 (Bay Delta Live DOSS dashboard). Not triggered over the week preceding 12/13 (12.13.16 DOSS update for 12.16.16 DCT)	In conjunction with two DCC-closure triggers (Action IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta.
			{1} Daily SWP/CVP older juvenile loss density > 8 fish/TAF. {2} Daily loss > 95 fish/d. {3} CNFH CWT late fall-run Chinook or LSNFH CWT winter-run cumulative loss > 0.5%.	Not triggered, as of 12/14.	When any trigger criterion met, reduce exports to combined 6,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.
			{1} Daily SWP/CVP older juvenile loss density > 15 fish/TAF. {2} Daily loss > 120 fish/d. {3} CNFH CWT LFR or LSNFH CWT WNT cumulative loss > 0.5%.	Not triggered, as of 12/14.	When any trigger criterion met, reduce exports to combined 4,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.

DELTA SMELT

- **Salvage:**

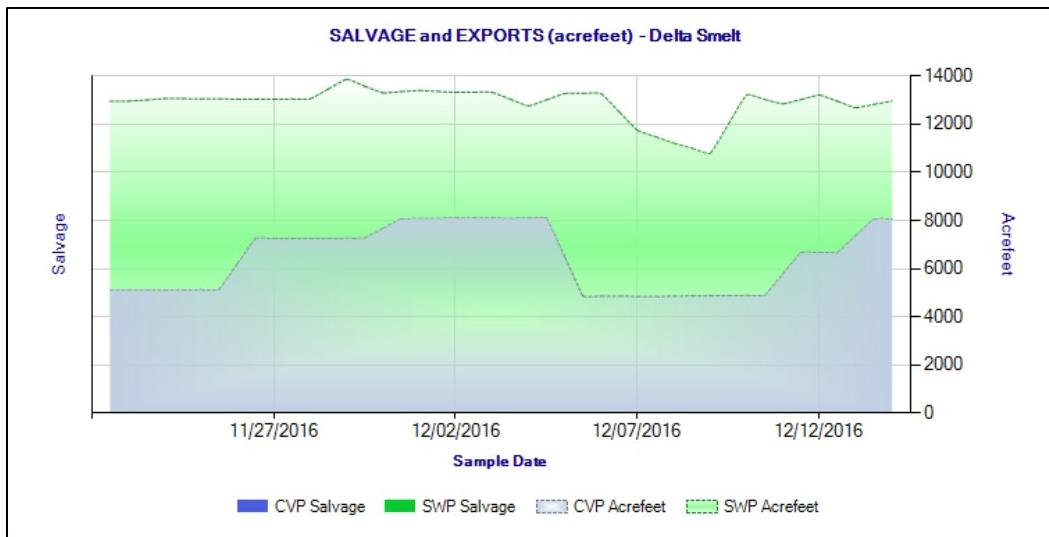


Figure: Recent delta smelt salvage (adults and juveniles) at both facilities (none in time period shown). Data through 12/14.

	Combined salvage as of 12/14/16	Concern level for WY 2017	ITL for WY 2017
Adult	0	Not yet known	
Juvenile	0	Not yet known	

- **Fall Midwater Trawl index:**
 - September abundance index=0; October abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.
- **Smelt Larva Survey:** Starts January 3.
- **Spring Kodiak Trawl:** Starts January 9.
- **Bay Study:**

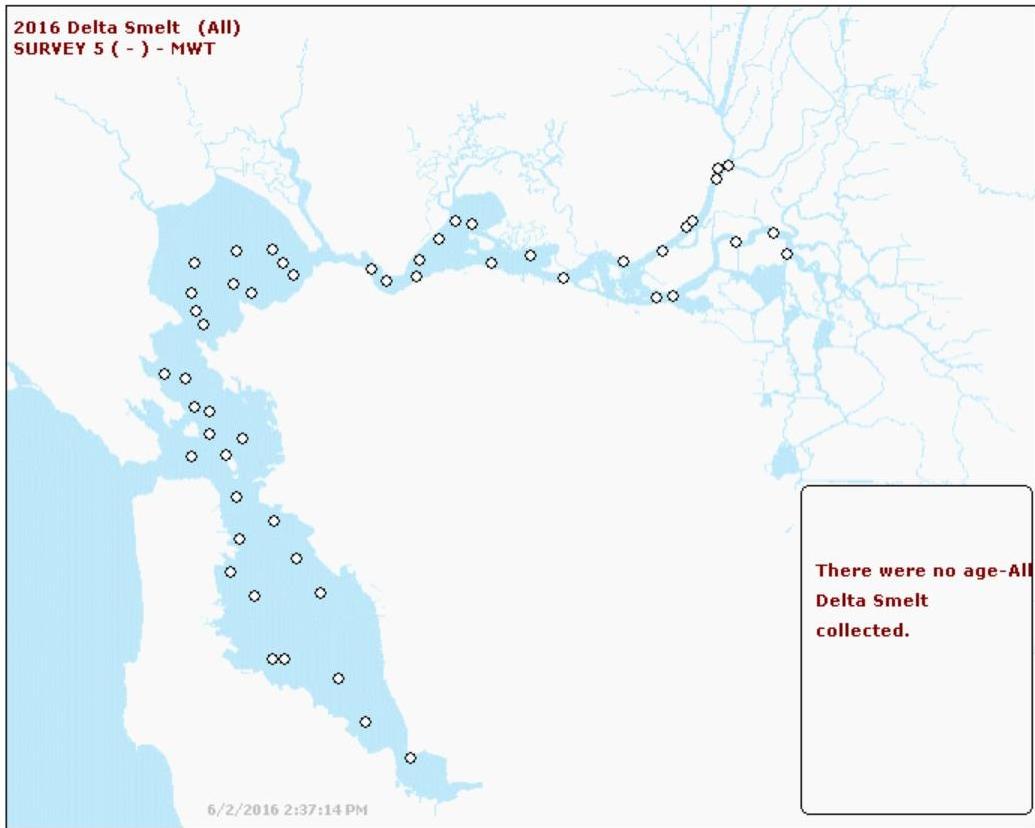


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey available). No delta smelt were caught in May.

LONGFIN SMELT

- **Salvage:**
 - No salvage yet this WY (as of 12/14).

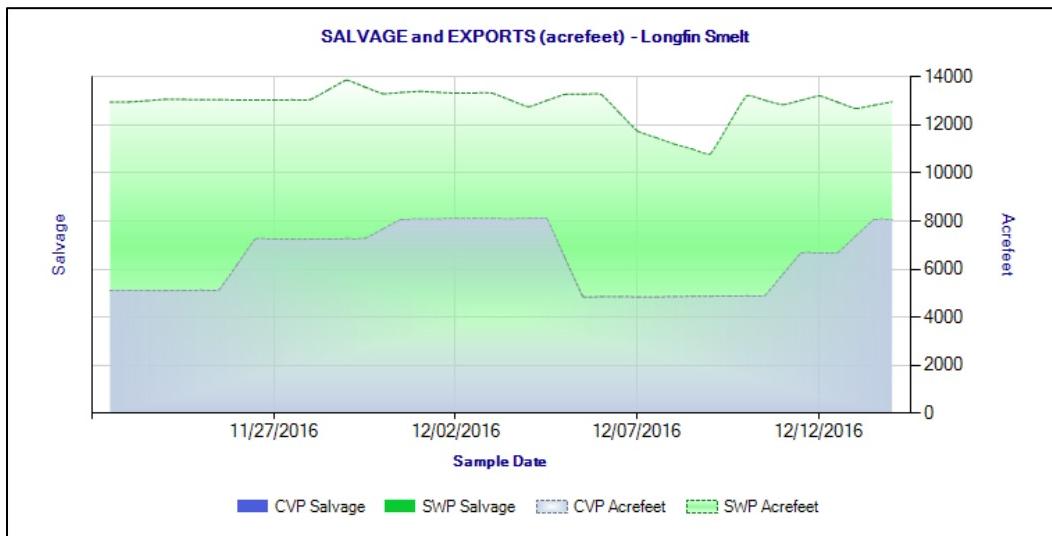


Figure: Recent longfin smelt salvage at both facilities (none in the time frame shown). Data through 12/14.

- **Fall Midwater Trawl index:**
 - September abundance index=3; October abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.
- **Smelt Larva Survey:** Starts January 3.
- **Bay Study:**

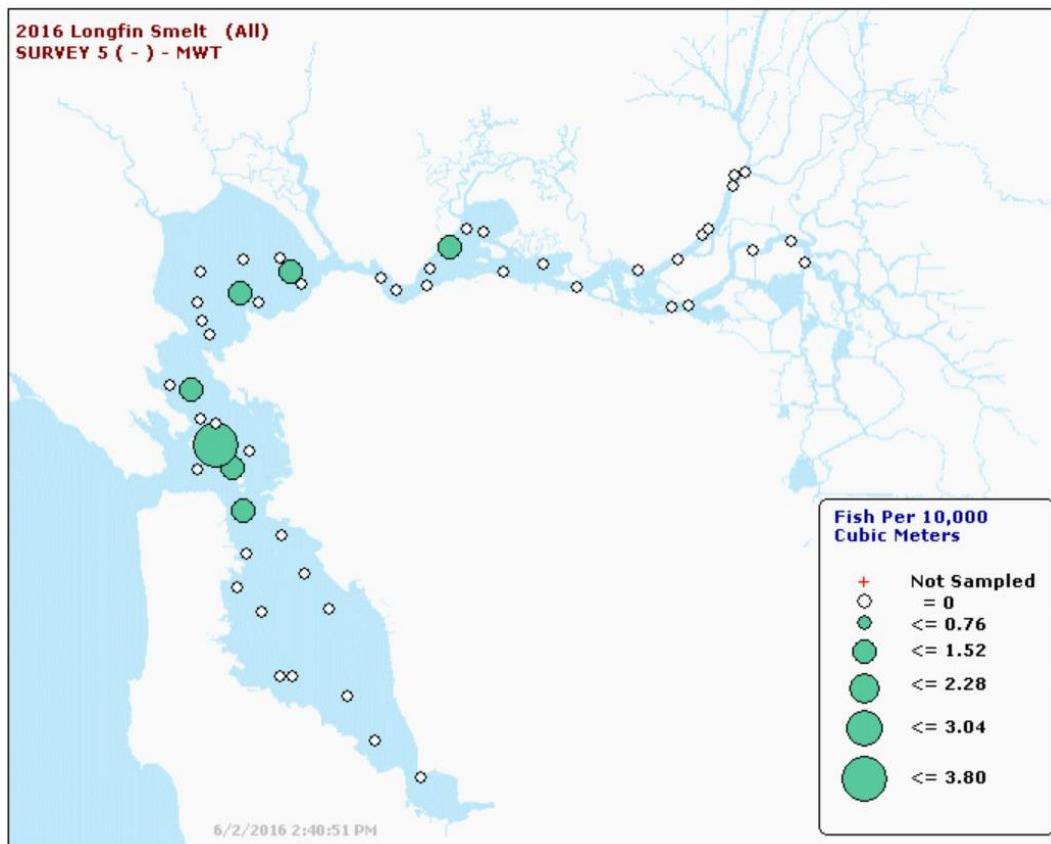


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in Suisun, San Pablo, and San Francisco Bays.

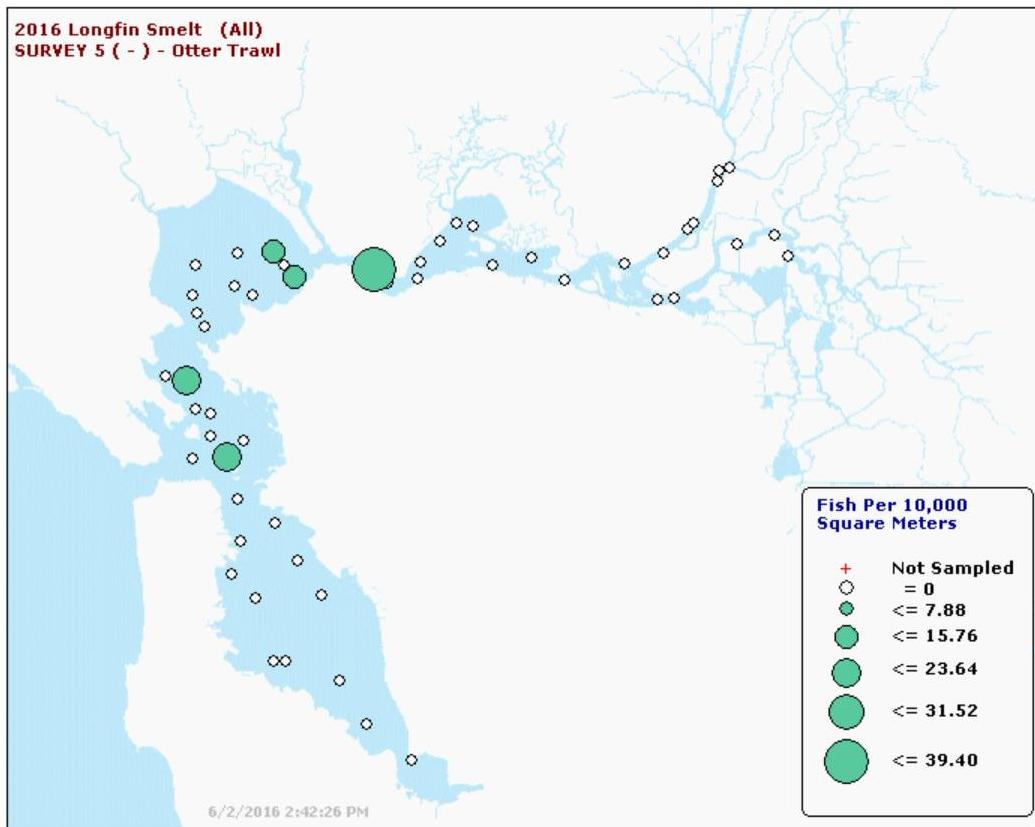


Figure: Monthly otter trawl (demersal/bottom), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in the Carquinez Strait, eastern San Pablo Bay, and San Francisco Bay.

CHINOOK SALMON

- **Salvage:**

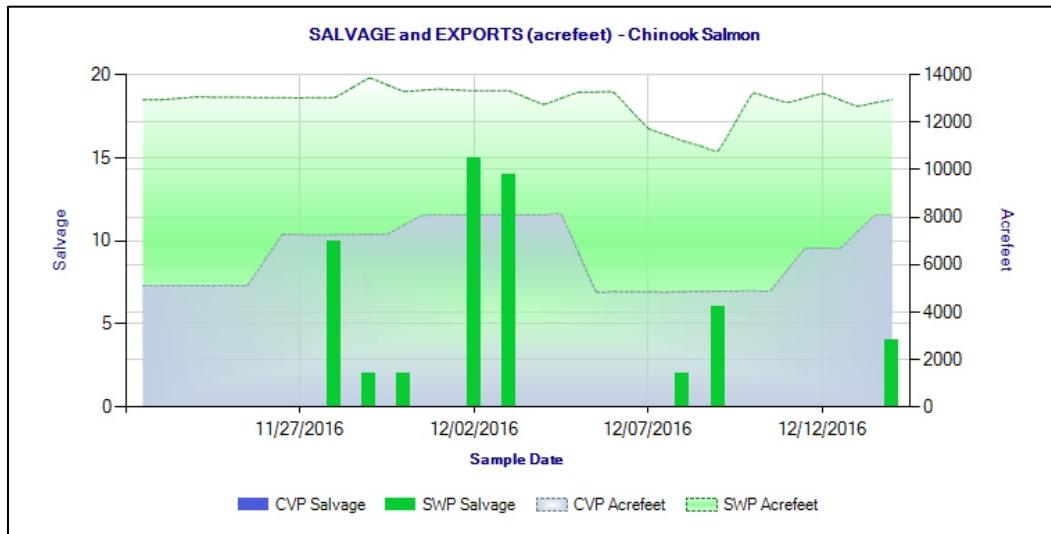


Figure: Recent Chinook salmon salvage at both facilities (all races). Data through 12/14.

	Winter-run cumulative combined loss	Winter-run concern level for WY 2017	<u>Winter-run ITL</u> for WY 2017
Non-clipped (as of 12/14)	0	Not yet known	
Clipped (hatchery fish not yet released)	n/a	Not yet known	

Coleman NFH Late-fall-run surrogate group	Released spring-run surrogates	Cumulative combined loss as of 12/14	Spring-run surrogate concern level WY 2017 (0.5%)	<u>Spring-run surrogate ITL</u> WY 2017 (1%)
12/12/2016 release	75,000	0	375	750

- **DOSS estimates of fish distribution:** (“12.13.16 DOSS update for 12.16.16 DCT.pdf,” B. Byrne)
 - Wild young-of-year Winter-run: 50–55% yet to enter Delta, 45–50% in Delta, 0% exited Delta.
 - Wild young-of-year Spring-run: 85–90% yet to enter Delta, 10–15% in Delta, 0% exited Delta.
 - “DOSS expects more winter-run and spring-run to enter the Delta in the coming week given the higher flows and turbidities expected with the forecasted rain.”

STEELHEAD

- Salvage:

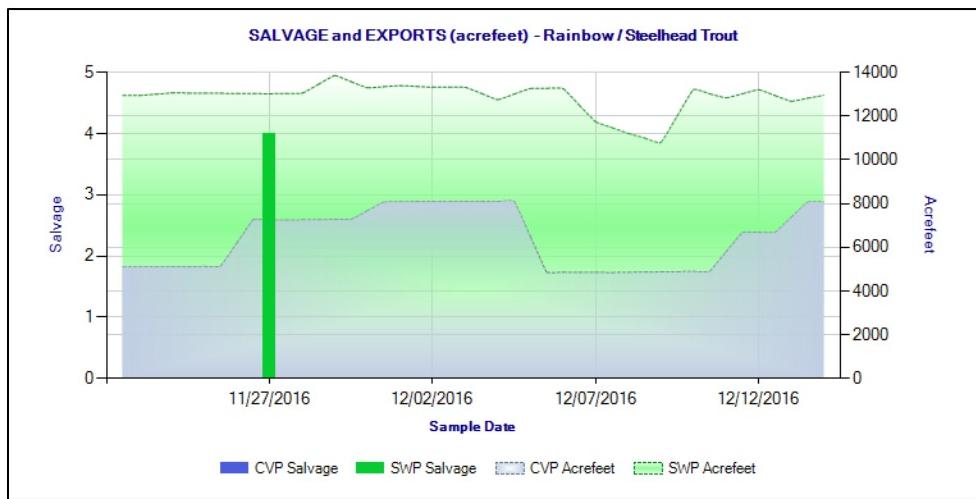


Figure: Recent steelhead salvage at both facilities (clipped and non-clipped). Non-clipped steelhead salvage date was 11/27 (SWP). Data through 12/14.

	Cumulative combined salvage for WY 2017 as of 12/14/16	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	4	1,500	3,000

From: Karen Clark

Sent: Thursday, December 15, 2016 10:19 AM

To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Ed Manning'; 'Gayle Holman'; Jennifer Walsh; Johnny Amaral; 'Mike Burns'; Philip Williams; Sheila Greene; Shelley Ostrowski

Subject: Cancellation of PR/Legislation Conference Call

All,

We will not have a PR/Legislation Conference call tomorrow (December 16). Hope everyone has a good weekend.

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Johnny Amaral
Sent: Wednesday, December 14, 2016 5:28 PM
To: Bernhardt, David L.
Subject: Re: Call

You calling the right number?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Dec 14, 2016, at 4:24 PM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

>
> I've called you twice your vm is not picking up.
>
> David Bernhardt
>
>
>

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From: Bernhardt, David L.
Sent: Wednesday, December 14, 2016 5:23 PM
To: Johnny Amaral
Subject: Call

I've called you twice your vm is not picking up.

David Bernhardt

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From: Bernhardt, David L.
Sent: Tuesday, December 13, 2016 2:52 PM
To: Johnny Amaral
Subject: Fwd: POLITICO Pro Breaking News: Trump selects Zinke as Interior secretary

David Bernhardt

Begin forwarded message:

From: "Hrobsky, Jon A." <JHrobsky@BHFS.com>
Date: December 13, 2016 at 4:46:00 PM EST
To: "Bernhardt, David L." <DBernhardt@BHFS.com>
Cc: "Johnson, Luke D." <LDJohnson@BHFS.com>
Subject: Fwd: POLITICO Pro Breaking News: Trump selects Zinke as Interior secretary

That is definitely a tough guy.

Begin forwarded message:

From: POLITICO Pro <politicoemail@politicopro.com>
Date: December 13, 2016 at 4:44:43 PM EST
To: <jhrobsky@BHFS.com>
Subject: POLITICO Pro Breaking News: Trump selects Zinke as Interior secretary
Reply-To: POLITICO subscriptions <reply-fe9412717361047871-591782_HTML-637933642-1376319-0@politicoemail.com>

President-elect Donald Trump has offered the Interior secretary position to Montana's freshman Rep. Ryan Zinke, an ex-Navy Seal commander, according to two transition officials and someone familiar with the offer.

The sources said Zinke has yet to accept and has given no indication as to which way he is leaning. But Zinke is also being discussed by prominent Washington Republicans as a possible 2018 candidate for the Montana Senate seat now held by Democrat Sen. Jon Tester.

Zinke's office declined to comment, and Trump's transition team did not immediately respond to a request for comment.

Zinke was an early Trump supporter. The Big Sky state Republican threw his weight behind the controversial nominee-turned-commander-in-chief in late May and stuck by him despite numerous Democratic attacks for doing so. He also campaigned with him, and his wife, Lola, is a member of the transition team dealing with veterans issues.

To change your alert settings, please go to
<https://www.politicopro.com/settings>

This email was sent to jhrobsky@BHFS.com by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

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From: Johnny Amaral
Sent: Friday, December 9, 2016 8:31 AM
To: Bernhardt, David L.
Subject: Re: Emailing: Final Vote Results for Roll Call 622

Yeah. Only 17 NAYS in CA.

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

On Dec 9, 2016, at 7:31 AM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

The number of CA dems that voted for passage

David Bernhardt

On Dec 9, 2016, at 10:29 AM, Johnny Amaral <jamaral@westlandswater.org> wrote:

I can't open the document. What is interesting about it?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

On Dec 9, 2016, at 5:15 AM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

You will find this interesting.

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<Final Vote Results for Roll Call 622.xml>

From: Bernhardt, David L.
Sent: Friday, December 9, 2016 8:31 AM
To: Johnny Amaral
Subject: Re: Emailing: Final Vote Results for Roll Call 622

The number of CA dems that voted for passage

David Bernhardt

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<Final Vote Results for Roll Call 622.xml>

From: Johnny Amaral
Sent: Friday, December 9, 2016 8:30 AM
To: Bernhardt, David L.
Subject: Re: Emailing: Final Vote Results for Roll Call 622

I can't open the document. What is interesting about it?

Best,

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Deputy General Manager - External Affairs
Westlands Water District

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<Final Vote Results for Roll Call 622.xml>

From: Emmerson, Catherine
Sent: Friday, December 9, 2016 7:19 AM
To: Birmingham Tom; 'jamaral@westlandswater.org'
CC: 'Bernhardt, David L.'; 'Denny Rehberg'; Cardoza Dennis; Ryan A. 'Smith
Subject: Will not be on calls - in the air to the West

Sent with Good Work (www.blackberry.com)

This e-mail is sent by a law firm and may contain information that is privileged or confidential.
If you are not the intended recipient, please delete the e-mail and any attachments and notify us
immediately.

From: Bernhardt, David L.
Sent: Friday, December 9, 2016 6:15 AM
To: tbirmingham@westlandswater.org; 'Johnny Amaral'
Subject: Emailing: Final Vote Results for Roll Call 622
Attachments: Final Vote Results for Roll Call 622.xml

You will find this interesting.

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From: Holly Long

Sent: Thursday, December 8, 2016 6:47 PM

To: ara.azhderian@sldmwa.org; Carolyn Jensen; Chris White; David Bernhardt; Dennis Cardoza; Frances Brewster (FBrewster@valleywater.org); Frances Mizuno; Jason Nishijima; Jason Peltier (jason.peltier@sldmwa.org); Jon Rubin (Jon.Rubin@sldmwa.org); Judy Bendix; O'Hanlon, Daniel; pwilliams@westlandswater.org; sfong@sfcwa.org; Sheila Greene (sgreene@westlandswater.org); Steve Chedester; Tom Boardman (tboardman@apex.net)

Subject: Delta conditions report

Attachments: 2016-12-8-DeltaConditionsReport.docx

Hi everyone,

The Delta conditions report is attached.

Thank you,

Holly

Holly Long

Mosaic Associates

1690 San Pablo Avenue, Suite D

Pinole, CA 94564

holly@mosaicassociates.net

510.964.0394 office

510.964.0396 fax

[REDACTED] cell

DELTA CONDITIONS REPORT, DECEMBER 8, 2016

Holly Long, SLDMWA

EXECUTIVE SUMMARY

- Operational constraint: Salinity management.
 - X2 today is >81 km (east of Collinsville).
 - Scheduled combined exports today are 7,800 cfs.
 - Outflow index today is ~6,000 cfs.
 - Tuesday's CDEC OMR values were -7,783 cfs (daily), -9,042 cfs (5-day), -8,997 (14-day).
 - % inflow diverted today is 43.5% (14-day average).
- Salvage and ITLs, WY 2017
 - Steelhead, non-clipped salvage (12/7): 0.1% of ITL.
 - No salvage for other listed species yet this water year (as of 12/7).
- Surveys/monitoring
 - **Delta smelt**, most recent surveys:
 - Fall Midwater Trawl: September and October abundance indices=0 (overall FMWT index is sum of September–December indices).
 - **Longfin smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=3, October abundance index=0 (overall FMIWT index is sum of September–December indices).
- Expectations
 - Weather forecast (December 1, 2016 Water Supply Index Forecast email, John J. King, DWR, 12/8/16): "The 6-day weather forecast indicates productive storm systems into the weekend with a break Sunday and Monday. Another round of precipitation is possible starting next Tuesday. The North Coast is expected to receive up to 4 inches of precipitation by the end of the period with today and tomorrow being the wettest. The Northern Sierra Nevada region is expected to receive 4 to 5 inches of precipitation by Saturday, then 1 inch of precipitation possible beginning next Tuesday. The Central Sierra Nevada is expected to receive 1-3 inches of precipitation through Saturday. Another round of light precipitation is possible beginning next Tuesday."
 - Smelt Larva Survey starts January 3.
 - Spring Kodiak Trawl starts January 9.

DELTA CONDITIONS REPORT, DECEMBER 8, 2016

DELTA SMELT

- Salvage:

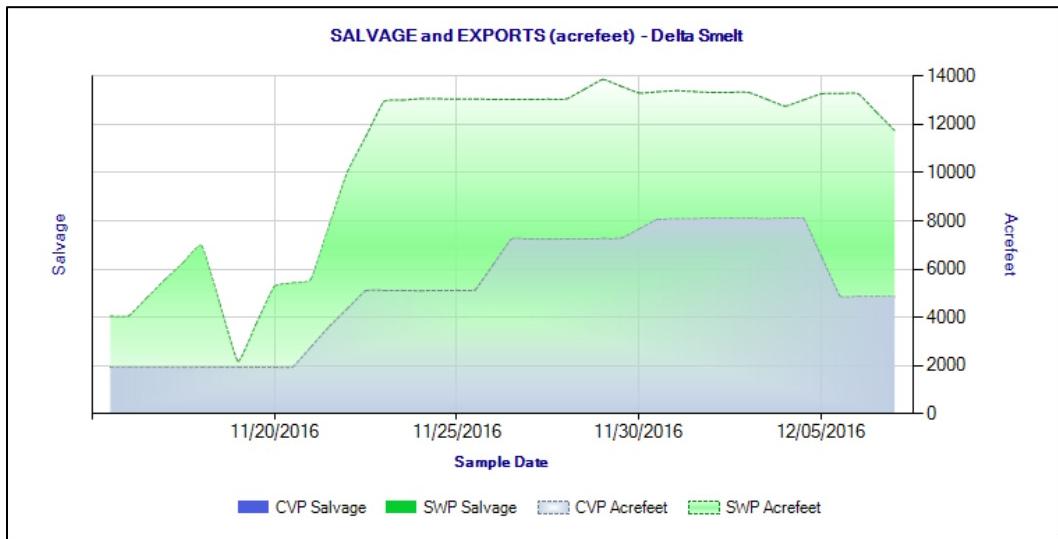


Figure: Recent delta smelt salvage (adults and juveniles) at both facilities (none in time period shown).

Data through 12/7.

	Combined salvage as of 12/7/16	Concern level for WY 2017	ITL for WY 2017
Adult	0	Not yet known	
Juvenile	0	Not yet known	

- Fall Midwater Trawl index:
 - September abundance index=0; October abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.
- Smelt Larva Survey: Starts January 3.
- Spring Kodiak Trawl: Starts January 9.

- **Bay Study:**

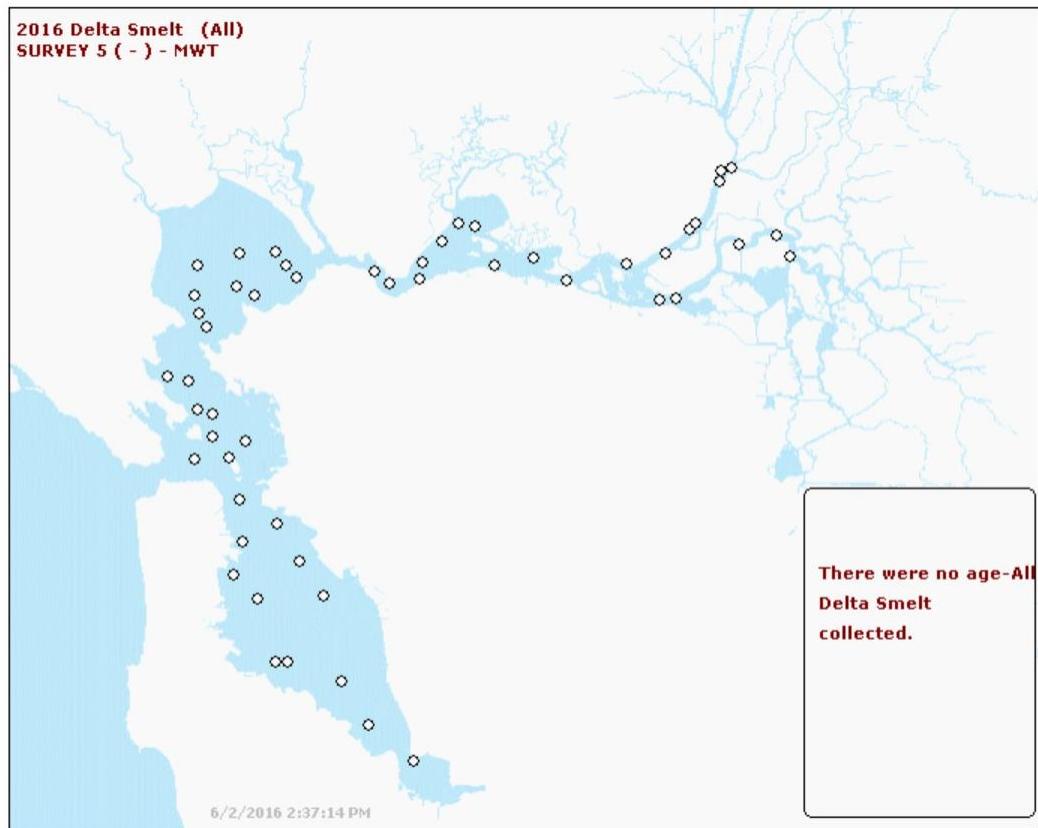


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey available). No delta smelt were caught in May.

LONGFIN SMELT

- **Salvage:**

- No salvage yet this WY (as of 12/7).

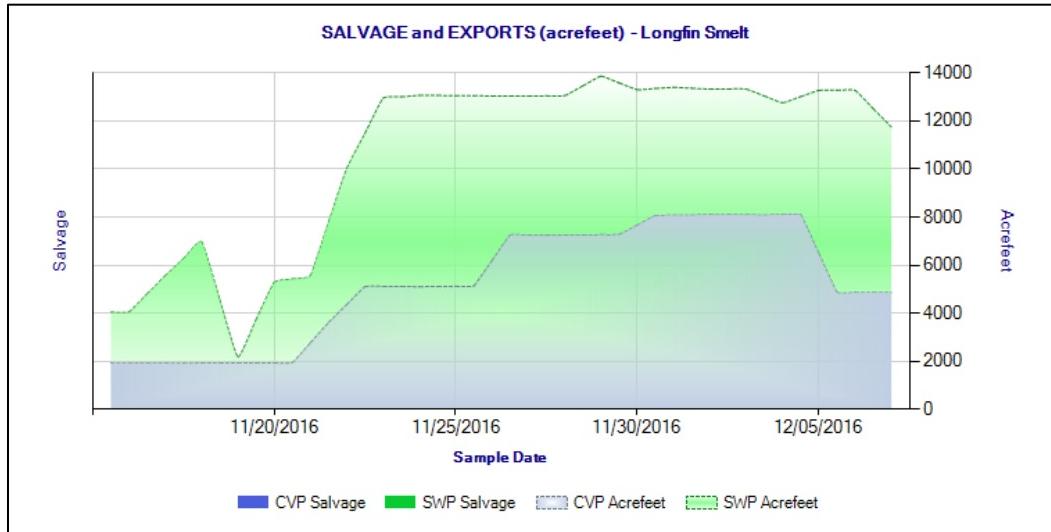


Figure: Recent longfin smelt salvage at both facilities (none in the time frame shown). Data through 12/7.

- **Fall Midwater Trawl index:**

- September abundance index=3; October abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Smelt Larva Survey:** Starts January 3.

- **Bay Study:**

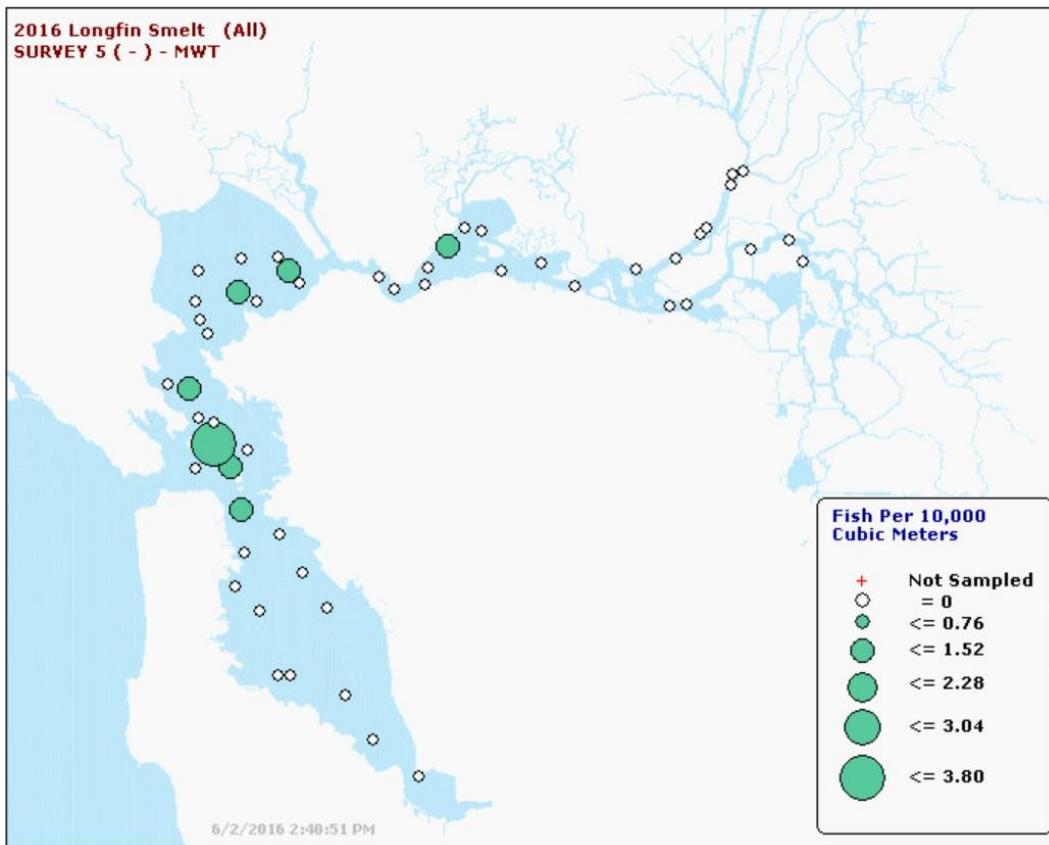


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in Suisun, San Pablo, and San Francisco Bays.

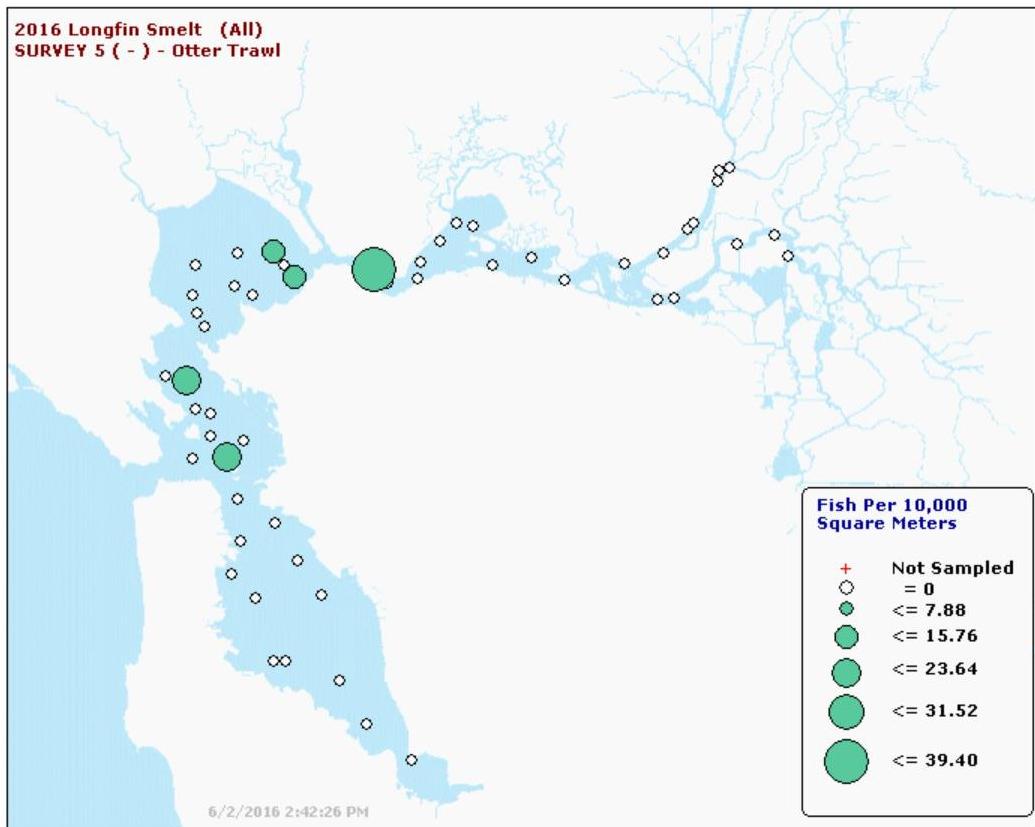


Figure: Monthly otter trawl (demersal/bottom), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in the Carquinez Strait, eastern San Pablo Bay, and San Francisco Bay.

CHINOOK SALMON

- **Salvage:**

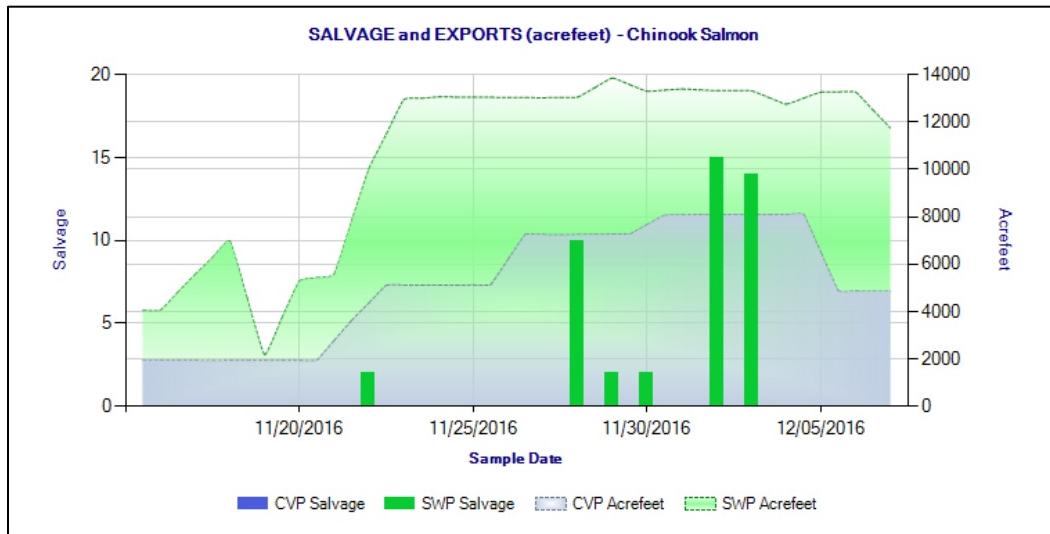


Figure: Recent Chinook salmon salvage at both facilities (all races). Data through 12/7.

	Winter-run cumulative combined loss	Winter-run concern level for WY 2017	<u>Winter-run ITL</u> for WY 2017
Non-clipped (as of 12/7)	0	Not yet known	
Clipped (hatchery fish not yet released)	n/a	Not yet known	

Coleman NFH Late-fall-run surrogate group	Released spring-run surrogates	Cumulative combined loss	Spring-run surrogate concern level WY 2017 (0.5%)	<u>Spring-run surrogate ITL</u> WY 2017 (1%)
No releases yet this water year	n/a	n/a	n/a	n/a

- **DOSS estimates of fish distribution:** (DOSS notes, 12/6/16)
 - Wild young-of-year Winter-run: 60–70% yet to enter Delta, 30–40% in Delta, 0% exited Delta.
 - Wild young-of-year Spring-run: 95% yet to enter Delta, 5% in Delta, 0% exited Delta.

STEELHEAD

- Salvage:

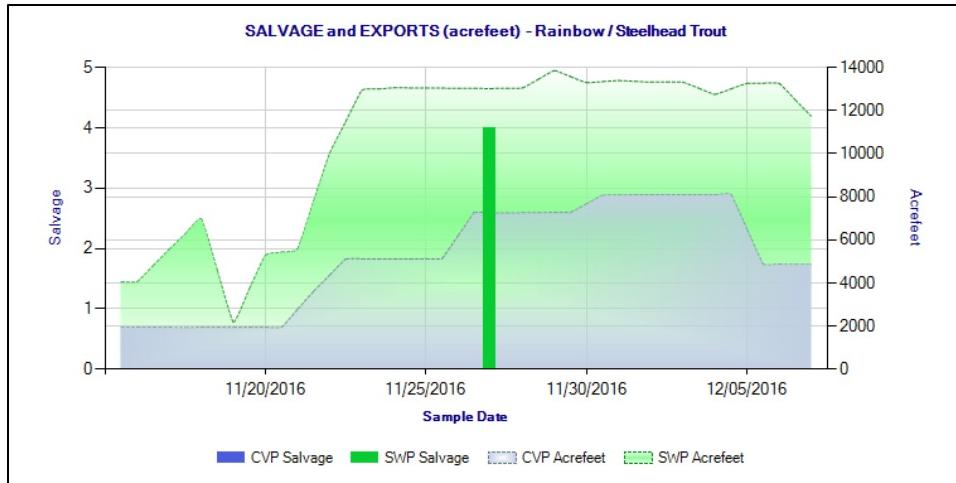


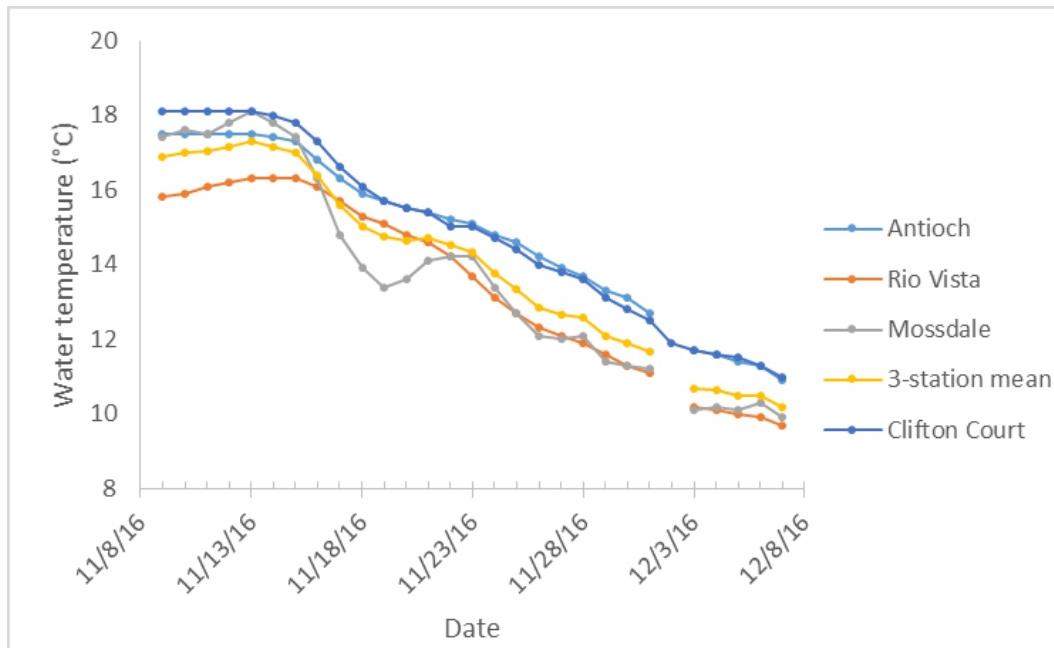
Figure: Recent steelhead salvage at both facilities (clipped and non-clipped). Non-clipped steelhead salvage date was 11/27 (SWP). Data through 12/7.

	Cumulative combined salvage for WY 2017 as of 12/7/16	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	4	1,500	3,000

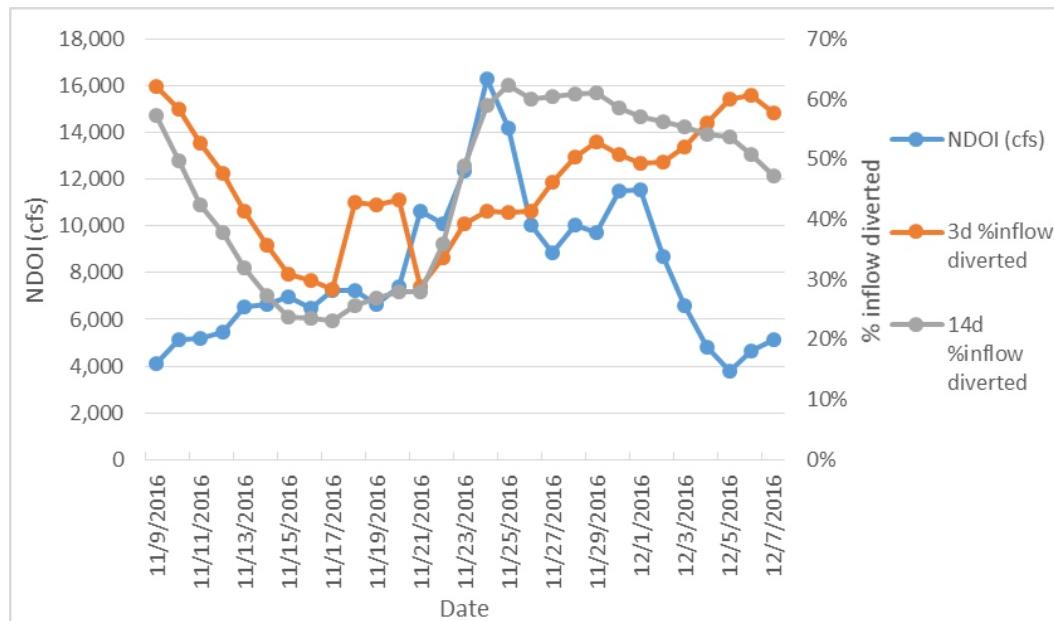
PHYSICAL CONDITIONS

- Currently controlling operations: Salinity management.
- Location of X2, 12/8: >81 km (east of Collinsville).
- DCC status, 12/8: Closed.
- Turbidity (at sites in delta smelt BiOp)
 - Three-day mean Prisoner's Point: 6.2 NTU on 12/7
 - Three-day mean Holland Cut: 2.7 NTU on 12/7
 - Three-day mean Victoria Canal: 2.8 NTU on 12/6
- South Delta temporary barriers update: December 2 (Email from M. Abioui, DWR, 12/2)
 - Fall Head of Old River Barrier was breached on 11/11 and completely removed by 11/21.
 - Old River at Tracy barrier was breached on 10/20 and completely removed by 11/29.
 - Middle River barrier was breached 11/18 and removal was completed by 11/30.
 - Grant Line Canal barrier was breached on 10/28 and removal was completed on 11/17.
- Water Supply Index (WSI) forecast: December 1 forecast date (December 1, 2016 Water Supply Index Forecast email, John J. King, DWR, 12/8/16)
 - 50% exceedance for Sacramento River Unimpaired Runoff WY forecast: 20.5 MAF (115% of average)
 - Forecasted 50% exceedance for Sacramento Valley Index is 8.6 (Above Normal).
 - Forecasted 75% exceedance for San Joaquin Valley Index is 2.3 (Dry).
- Weather and climate outlooks: December 1 (WSI email, John J. King, DWR, 12/8/16)
 - “The 6-day weather forecast indicates productive storm systems into the weekend with a break Sunday and Monday. Another round of precipitation is possible starting next Tuesday. The North Coast is expected to receive up to 4 inches of precipitation by the end of the period with today and tomorrow being the wettest. The Northern Sierra Nevada region is expected to receive 4 to 5 inches of precipitation by Saturday, then 1 inch of precipitation possible beginning next Tuesday. The Central Sierra Nevada is expected to receive 1-3 inches of precipitation through Saturday. Another round of light precipitation is possible beginning next Tuesday.”
 - “The NWS Climate Prediction Center (CPC) one-month outlook for December, valid November 30, indicates equal chances of above or below normal temperatures for the entire state with the exception of the far north, and Mojave and Owens Valley where below normal temperatures are favored. The same outlook predicts above normal precipitation for the far north and equal chances of above or below normal precipitation elsewhere.”
 - “The CPC three-month (December-January-February) outlook, posted November 17, indicates increased chances of above normal temperatures for the entire state. Precipitation is forecasted below normal south of Monterrey Bay and Yosemite National Park Regions. Otherwise equal chances of above or below normal precipitation is forecasted for the state.”
 - “La Niña conditions are present. Equatorial sea surface temperatures (SST) are below average in the central and east-central Pacific Ocean. La Niña is slightly favored to persist (~55% chance) through winter 2016-17.”

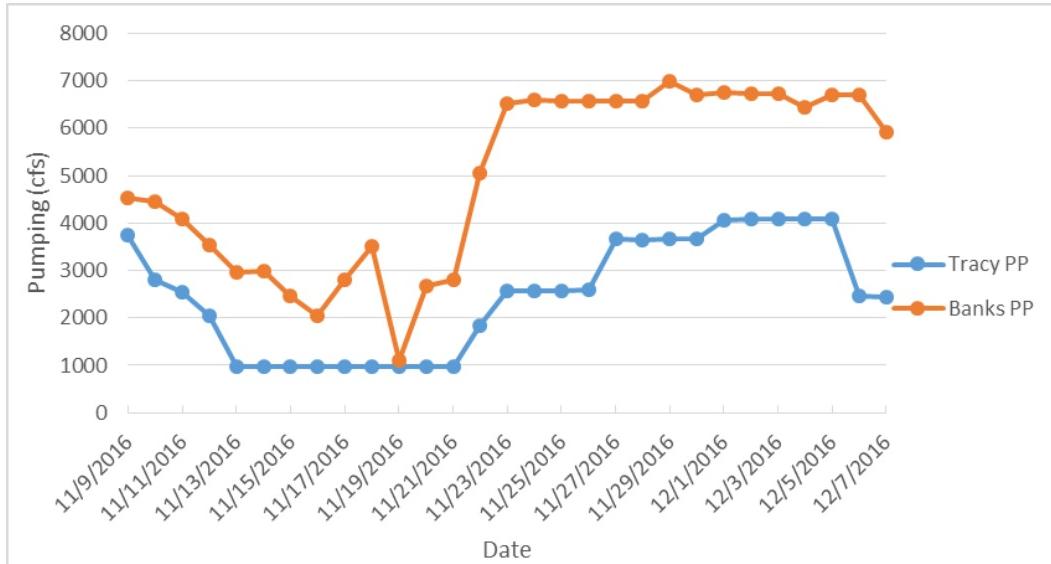
- Temperature



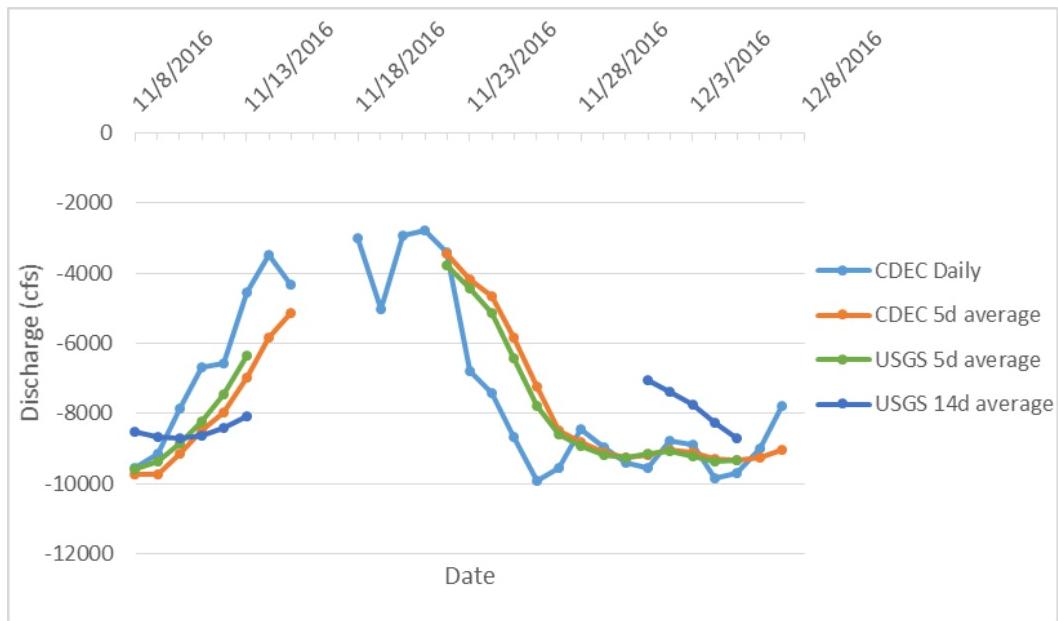
- Delta outflow index as of 12/8: ~6,000 cfs
 - November–December monthly outflow requirement is 4,500 cfs, with a 7-day average not less than 3,500 cfs. December status as of 12/7 is 6,456 cfs and 6,456 cfs, respectively.
- Total Delta inflow as of 12/8: ~15,610 cfs
 - Sacramento flow: 13,707 cfs
 - San Joaquin flow: 877 cfs
 - % inflow diverted (14-day average): 43.5%.
 - For % inflow diverted, July–January standard is 65%.



- Exports:
 - 12/8 scheduled exports: 5,500 cfs Clifton Court inflow; 2,300 cfs Jones/Tracy PP.



- Tidally-filtered OMR:



REGULATORY

- **Delta smelt**

- See below for relevant RPAs:

2008 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
Action 1: Adult migration and entrainment (first flush) (RPA Component 1)	A	Dec. 1 - Dec. 20	Smelt Working Group may recommend a start date for the Action to the Service, based on conditions.		"Limit exports so that the average daily OMR flow is no more negative than -2000 cfs for a total duration of 14 days, with a 5-day running average no more negative than 2,500 cfs (within 25 percent)" (p. 329). SWG can recommend delayed start or interruption based on conditions affecting entrainment vulnerability.
	B	After Dec. 20	(1) Three-day average turbidity at Prisoner's Point, Holland Cut, and Victoria Canal are each >12 NTU. (2) Three days of DS salvage at either facility. (3) Cumulative daily salvage ≥ 1/2 prior year FMWWT value.		
	Offramp	.	(1) Water temp reaches 12°C based on three-station daily mean at Mossdale, Antioch, Rio Vista. (2) Onset of spawning (presence spent females in SKT, Banks, or Jones).		Action 3 triggered, unless Service decides Action 2 should be implemented instead.

- **Longfin smelt**

- See below for relevant RPAs:

2009 Longfin smelt ITP Condition	Trigger stage	Trigger month	Trigger	WY 2017 information	Regulation
5.1 (OMR flow)	.	Dec. - Feb.	(1) Cumulative salvage index (=cumulative combined salvage/FMWWT index) >5 OR (2) Review of abundance and distribution survey data and other biological factors affecting entrainment risk of adults indicates OMR flow advice warranted.	No longfin smelt salvage as of 12/7.	SWG provides OMR flow advice to WOMT and Director of DFG weekly. Condition not likely to occur in many years. Would not trigger or would cease if Sacramento at Rio Vista > 55,000 cfs or San Joaquin at Vernalis > 8,000 cfs; retriggered at 40,000 and 5,000 cfs, respectively.
			Spawning detected.		

- **Salmonids**

- See below for relevant RPAs:

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
IV.1.1 (Monitoring and alerts to trigger changes in DCC operations)	"First alert"	Oct. - Apr.	(1) Mean daily flow >95 cfs in Mill or Deer Creek OR (2) Starting in Oct., an increase in tributary flow of > 50% over levels immediately preceding flow spike--> indicates cues for emigration initiation.	Tripped most recently on 11/29 12/5 (DOSS notes, 12/6/16)	Either criterion can trigger the alert. Alert signals that gate operations might need alteration in near future to avoid diverting outmigrating Chinook.
	"Second alert"	.	(1) Water temp < 13.5°C at Knights Landing AND (2) Flows greater than 7,500 cfs at Wilkins Slough--> associated with recovering emigrating Chinook at Knights Landing.	Tripped most recently on 11/29 12/3 (DOSS notes, 12/6/16)	Alert triggered when both second alert criteria met.
IV.1.2 (DCC gate operations)	N/A	Dec. 1-14	1) If D-1641 WQ criteria met, DCC gates closed (unless NMFS approves Chinook experiment). 2) If WQ criteria are not met but both KLCI and SCI are <3 fish/d, DCC may be opened until WQ criteria met, then DCC will close within 24 hrs. 3) If WQ criteria are not met but either KLCI or SCI >3 fish/d, DOSS makes recommendation to NMFS and WOMT per Action IV.5 procedures (2011 amendment, Encl. 2 (p. 63)).	Gates are closed.	Gates closed, dependent on triggers.
		Dec. 15-Jan. 31	Gates may be opened for up to 5 days for NMFS-approved experiment, or for one-time event between Dec. 15-Jan. 5 when needed to maintain WQ in response to high tide coupled with low inflow.		Gates closed, dependent on triggers.
		Feb. - May 20	N/A		Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Nov. - Dec.	Catch index > 10 fish/d from either Knights Landing or Sacramento Catch Index.	Not triggered over the week preceding 12/6 (DOSS notes, 12/6/16)	In conjunction with two DCC-closure triggers (Action IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta.
			(1) Daily SWP/CVP older juvenile loss density > 8 fish/TAF. (2) Daily loss > 95 fish/d. (3) CNFH CWT late fall-run Chinook or LSNFH CWT winter-run cumulative loss > 0.5%.	Not triggered, as of 12/7.	When any trigger criterion met, reduce exports to combined 6,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.
			(1) Daily SWP/CVP older juvenile loss density > 15 fish/TAF. (2) Daily loss > 120 fish/d. (3) CNFH CWT LFR or LSNFH CWT WNT cumulative loss > 0.5%.	Not triggered, as of 12/7.	When any trigger criterion met, reduce exports to combined 4,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.

From: Bernhardt, David L.
Sent: Thursday, December 8, 2016 5:50 AM
To: Johnny Amaral
Subject: Fwd: WSJ Review & Outlook: The Barbara Boxer Water Rebellion

David Bernhardt

Begin forwarded message:

From: "Hrobsky, Jon A." <JHrobsky@BHFS.com>
Date: December 8, 2016 at 7:46:28 AM EST
To: "Bernhardt, David L." <DBernhardt@BHFS.com>, "Johnson, Luke D." <LJohnson@BHFS.com>, "Smith, Ryan A." <RSmith@BHFS.com>
Subject: WSJ Review & Outlook: The Barbara Boxer Water Rebellion

The Barbara Boxer Water Rebellion

The Democratic Ted Cruz tries to kill a bill that would help parched California.



ENLARGE

Retiring Sen. Barbara Boxer, D-Calif., speaks to volunteers at a home serving as a canvassing site to train and organize supporters of Democratic presidential candidate Hillary Clinton, Oct. 29, in Cincinnati. *PHOTO: ASSOCIATED PRESS*

Updated Dec. 7, 2016 7:04 p.m. ET

144 COMMENTS

Barbara Boxer has torpedoed more legislation than she's helped pass during her four terms in the Senate. Before retiring for good (literally), the Bay Area Democrat is trying to sink a water bill that could provide modest relief to farmers in California's parched Central Valley.

Congress plans to vote this week on bipartisan legislation that would authorize a variety of water projects including port dredging, reservoirs, fish hatcheries, lake recreation and wetlands restoration. The package also includes \$120 million to fix Flint, Michigan's corroded pipes and other aging municipal water systems.

Yet Ms. Boxer has blown a gasket over a rider inserted by House Republicans and her Democratic colleague Dianne Feinstein that would direct the Departments of Interior and Commerce to operate the pumps in the Sacramento-San Joaquin River Delta at the maximum levels allowed by law. "There is no place for that as long as I am breathing," Ms. Boxer declared.

After five years of drought, California's Central Valley is desperate for water. During this year's El Nino, farmers south of the Delta received a mere 5% of their contractual allocations. A half-million acres of land have been withdrawn from farm production, and groundwater tables are dangerously low. Unemployment exceeds 9% in the Valley.

Even amid heavy storms, only 852,000 of the 5.5 million acre-feet of water that flowed into the Delta during the first two months of this year—enough to sustain nearly two million acres of farm land—was sent south. The rest drained into the San Francisco Bay due to a lack of surface storage in the Sierras and pumping restrictions ostensibly intended to protect endangered species.

Bureaucrats who operate the pumps have grown more cautious as Delta smelt near extinction (though a refuge population is being raised at a nearby hatchery). Ms. Feinstein said in March that federal agencies are restricting pumping "even though available data suggested no smelt or salmon were anywhere near the pumps."

Scientists have fingered natural causes for the smelt's decline, including invasive species and the drought. Yet environmentalists have used the fish as a pretext to reduce water exports from the Delta in hopes of returning the irrigated farmland to its native desert state. The Feinstein rider would give regulators some discretion to increase pumping to a little less than half of capacity, and it authorizes \$558 million for water storage, desalination and reclamation.

Ms. Boxer sabotaged a similar compromise two years ago. Piqued at being cut out of negotiations, she has threatened to filibuster any bill that Republicans bring to the floor this week. If she does play the Democratic Ted Cruz, we'll see how many of her colleagues want to block money for Flint and infrastructure they claim to want.

While the bill could provide short-term relief to farmers, more needs to be done to help arid California. Upon taking office Mr. Trump could declare a public emergency and order regulators to ratchet up pumping while federal agencies redo biological opinions and Republicans in Congress work out a better solution. This would put people back to work, and it might even reduce farm imports from Mexico.

Thanks,

Jon

202-[REDACTED] (Cell)
202-[REDACTED] (Direct)

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From: Bernhardt, David L.
Sent: Thursday, December 8, 2016 4:33 AM
To: Johnny Amaral; Thomas W. (Tom) Birmingham Esq.
Subject: The Barbara Boxer Water Rebellion - The Wall Street Journal.

I thought you would be interested in the following story from The Wall Street Journal.

The Barbara Boxer Water Rebellion

<http://www.wsj.com/articles/the-barbara-boxer-water-rebellion-1481147306>

Download the Wall Street Journal app here: [WSJ.](#)

202 [REDACTED]

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From: Bernhardt, David L.
Sent: Wednesday, December 7, 2016 5:36 PM
To: Thomas W. (Tom) Birmingham Esq.; Johnny Amaral; Dennis Cardoza; 'Denny Rehberg'
Subject: Fwd: A WIIN for Drought-Stricken Communities, Fish and Taxpayers
Attachments: image001.jpg

David Bernhardt

Begin forwarded message:

From: Natural Resources Press Office <naturalresourcesrepublicans@mail.house.gov>
Date: December 7, 2016 at 5:00:30 PM EST
To: Natural Resources Press Office <naturalresourcesrepublicans@mail.house.gov>
Subject: A WIIN for Drought-Stricken Communities, Fish and Taxpayers

The House Committee on Natural Resources Press Office

[View this email in your browser](#)

A WIIN for Drought-Stricken Communities, Fish and Taxpayers

December 7, 2016 | House Committee on Natural Resources

After years of public input, congressional deliberation and bipartisan negotiations, tomorrow Congress will advance targeted drought relief for suffering communities in California and the West. The [Water Infrastructure Improvements for the Nation Act](#) (WIIN) will expedite water storage, improve water delivery and, critically, increase water capture in upcoming wet months while upholding environmental laws.

WIIN's passage will be a win for people, fish and wildlife. In fact, it's a [no-brainer](#). But don't just take our word for it.

DROUGHT RELIEF FOR BOTH HUMANS & FISH:

- "The language improves dramatically the flexibility to federal and state agencies to operate the water projects in order to maximize the water available to urban and rural water agencies, while at the same time protecting listed fish species." ([Letter of Support](#) from California water authorities, 12/5/16)
- The language brings water to suffering communities and support to critical storage projects "while also providing resources for Democratic drought priorities like conservation, efficiency and recycling efforts." ([The Hill](#), 12/5/16)
- The bill "will help operate the water system more efficiently, pumping water when fish are not nearby and reducing pumping when they are close..." ([Agri-Pulse](#), 12/5/16)
- "The bill contains some long-term provisions to aid the salmon and smelt recovery, including \$15 million that would be used in part to improve spawning habitat on the Sacramento River..." ([Agri-Pulse](#), 12/5/16)
- "[T]he drought provisions now included in the WIIN Act safeguard existing water rights and take important steps toward improving the distribution of water to wildlife refuges in the Central Valley." ([Ducks Unlimited Letter of Support](#), 12/6/16).

YEARS OF PUBLIC INPUT YIELDS BIPARTISAN DEAL:

- The provisions that were "circulated publicly, received significant public input and about which the administration testified in a public hearing that it complied with environmental law." ([San Francisco Chronicle](#), 12/6/16)
- "Feinstein [...] has been negotiating with House Majority Leader Kevin McCarthy for years on the issue..." ([Politico Pro](#), 12/5/16)
- "'[I]t will help California and it has bipartisan support including Republicans and Democrats in the House, and that's why I'm supporting it,' [Senator Feinstein] said..." ([The Hill](#), 12/5/16)
- "The White House [...] came short of issuing a veto threat..." ([Washington Examiner](#), 12/6/16)

TIMING IS CRITICAL:

- "[T]he bipartisan provision — which was worked out with Sen. Dianne Feinstein (D-Calif.) — would likely provide the state authorities it needs to continue to collect and pump water..." ([E&E News](#), 12/5/16)
- As a result, "[a]gencies could increase pumping during winter storms so long as they do not violate the environmental requirements..." ([Agri-Pulse](#), 12/5/16)
- "If Congress had failed to act, the state ran the risk of losing the ability to deliver water to areas that have suffered socially and economically as a result of water supply shortages and to replenish reservoirs and groundwater levels.." ([Agri-Pulse](#),

12/5/16)

- "Farmers in California's drought-stricken Central Valley could get additional irrigation water in coming years under bipartisan provisions included in a congressional agreement to reauthorize water projects." ([Agri-Pulse](#), 12/5/16)

SAFEGUARDS ENDANGERED SPECIES ACT:

- "Generally seen as an ally of Central Valley agriculture on water matters, Feinstein said she had consulted with state and federal agencies to ensure the proposal would comply with environmental laws and fish protections." ([Los Angeles Times](#), 12/5/16)
- "Nothing in this bill violates the Endangered Species Act or biological opinions [...]. prohibits federal agencies from taking any action that violates environmental law." ([Dianne Feinstein](#), 12/6/16)
- Specific language in the bill was included "to ensure that federal water officials must still abide by laws including the Endangered Species Act, as well as the biological opinions that guide protections for certain species." ([Sacramento Bee](#), 12/5/16)
- "Nonetheless, Boxer said she and Feinstein had a 'big disagreement.'" ([Sacramento Bee](#), 12/5/16)

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From: DCardoza@foley.com
Sent: Wednesday, December 7, 2016 10:26 AM
To: Birmingham Tom; Amaral Johnny; Peltier Jason; Bernhardt David Longly; Rehberg Denny; Ostrowski Michelle; Karen Catherine
Subject: Fwd: Here's what's happening today in California water, 12/07/2016 #cawater

Lots worth reading in this issue of Maven!

Sent from my iPhone

Please excuse any auto correct errors

Begin forwarded message:

From: Maven <maven@mavensnotebook.com<<mailto:maven@mavensnotebook.com>>>
Date: December 7, 2016 at 12:03:26 PM EST
To: <DCardoza@foley.com<<mailto:DCardoza@foley.com>>>
Subject: Here's what's happening today in California water, 12/07/2016 #cawater
Reply-To: Maven <maven@mavensnotebook.com<<mailto:maven@mavensnotebook.com>>>

The latest in California water news and information Is this email not displaying correctly?

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DAILY DIGEST: White House won't support California water bill; The Delta's dirty little secret; CA water savings 19.5% in October; Two top CA Department of Water Resources officials to retire at the end of the year; and more ...

Dec 07, 2016 08:45 am | Maven

[Survey map Daily Digest sliderbox]In California water news today, White House won't support California water bill that's already divided its senators; Lois Henry: One more try for federal fixes to California's water woes; The Sacramento Delta's dirty little secret; Work continues to restore link between San Joaquin River and the Pacific Ocean; Speakers say river-flow plan should be revised; California water savings 19.5% in ...

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BAY DELTA SCIENCE CONFERENCE: Dr. Peter Moyle on academic research, Delta smelt, and public policy: a personal history
Dec 07, 2016 06:45 am | Maven

[moyle-plenary-_page_21]Protection of the Bay-Delta ecosystem is at a pivotal point. The system has endured devastating drought cycles and often competing priorities that seek to supply water for both cities and farms as well as improve the aquatic ecosystem for fisheries, recreation and tourism. Achieving these co-equal goals requires science that expands our knowledge of ecosystem responses, produces data that directly ...

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NEWS WORTH NOTING: Statewide water savings exceed 19% in October; Delta Protection Commission releases draft levee funding feasibility study; Film on future of California water debuts at statewide forum
Dec 07, 2016 06:35 am | Maven

[News worth noting Sliderbox schematic]Statewide Water Savings Exceed 19 Percent in October; Most of State Still Experiencing Drought Conditions From the State Water Resources Control Board: The State Water Resources Control Board today announced that urban Californians' monthly water conservation was 19.5 percent in October, up from 18.3 percent in September and a bit below the 22.3 percent savings in October 2015, when state-mandated ...

Read More<<http://MavensNotebook.us7.list-manage1.com/track/click?u=88af2b23c65f1c863838dd9a5&id=236ec71688&e=aa768fe7a0>>

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From: DCardoza@foley.com
Sent: Wednesday, December 7, 2016 9:40 AM
To: Rehberg Denny; Ostrowski Michelle; Karen Catherine; Birmingham Tom; Bernhardt David Longly; Amaral Johnny; Ostrowski Michelle; Peltier Jason; JWALSH@foley.com
Subject: Fwd: ACWA WRDA Letter
Attachments: image001.png; ATT00001.htm; image002.jpg; ATT00002.htm; WRDA Drought Letter.pdf; ATT00003.htm

Sent from my iPhone

Please excuse any auto correct errors

Begin forwarded message:

From: Josh Abel <jabel@sso.org<<mailto:jabel@sso.org>>>
Date: December 7, 2016 at 10:07:57 AM EST
To: Undisclosed recipients;;
Subject: ACWA WRDA Letter

Please see the attached letter expressing the Association of California Water Agency's (ACWA) support for the pending WRDA bill.
Feel free to contact us if you have any questions.

Thanks,

Josh Abel
Federal Relations Coordinator
Association of California Water Agencies
400 North Capitol St. NW, Suite 357
Washington, DC 20001
Tel. 202-434-4760
<<https://urldefense.proofpoint.com/v2/url?u=http-3Awww.acwa.com&d=DgMFaQ&c=Rlm5WhGmPER8srpDE4r86Q&r=yhMHKvJkYaWoH8bkmjCNM24pCPMnJRMu5cnOh9t0O7w&m=qCwtSXdT Nz0ANisSaTOAIVWt8L00If GfZNmRTM9sf8&s=i3OLXMJGHrBIEi4zbhg5FucKzjlUXcI6MFVkMQnsNeg&e=>>

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December 6, 2016

RE: ACWA Support for Drought and WRDA legislation

Dear California Congressional Delegation,

The Association of California Water Agencies (ACWA) appreciates all of the hard work our congressional delegation is undertaking to address the historic drought that is currently devastating California and much of the West. ACWA believes the entire state would benefit from passage of the Water Resources Development Act (WRDA), including the provisions responding to historic drought conditions in California and the western states. This legislation will help public water agencies provide safe reliable water to all Californians. ACWA's 430 public agency members span northern and southern California and supply water to both our agricultural and urban economies.

This legislation authorizes numerous projects in California including restoration of the Los Angeles River, Lake Tahoe, and Salton Sea. Additionally it will help ACWA member agencies work with the Army Corps of Engineers on stormwater capture projects and groundwater recharge projects. It also provides direction to the Army Corps to engage in environmental infrastructure projects including water recycling projects.

ACWA has reviewed the California drought language and believes it reflects a balanced compromise that will help provide improved water supplies without violating the Endangered Species Act (ESA) or biological opinions. During wet events, the language increases the flexibility provided to federal and state agencies to operate the water projects in order to maximize the water available to urban and rural water agencies, while at the same time protecting listed fish species. The language protects the rights of the water users upstream of the Delta and does not amend the ESA. The provision also promotes local water supply development. It authorizes \$515 million for storage, water recycling and reuse, and desalination projects.

This legislation reflects compromises that will improve water supplies for all Californians. ACWA appreciates all of the hard work that you've done to aid the California water community. We strongly support passage of this legislation.

Sincerely,

Timothy H. Quinn
Executive Director

From: Bernhardt, David L.
Sent: Wednesday, December 7, 2016 8:33 AM
To: Thomas W. (Tom) Birmingham Esq.; Johnny Amaral
Subject: Fwd: ACWA WRDA Letter
Attachments: image001.png; ATT00001.htm; image002.jpg; ATT00002.htm; WRDA Drought Letter.pdf; ATT00003.htm

FYI

From: [Josh Abel](#)
Sent: Wednesday, December 7, 2016 10:08 AM
Subject: ACWA WRDA Letter

Please see the attached letter expressing the Association of California Water Agency's (ACWA) support for the pending WRDA bill. Feel free to contact us if you have any questions.

Thanks,

Josh Abel
Federal Relations Coordinator
Association of California Water Agencies
400 North Capitol St. NW, Suite 357
Washington, DC 20001
Tel. 202-434-4760

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Sincerely,

Timothy H. Quinn
Executive Director

From: Tom Birmingham
Sent: Tuesday, December 6, 2016 3:26 PM
To: 'Watts, John (Feinstein)'; 'Duck, Jennifer (Feinstein)'
CC: 'Denny Rehberg'; 'David L. Bernhardt'; Michelle Ostrowski
Subject: RE: Letter supporting drought language in WRDA
Attachments: SKM_C55816120613220.pdf

I am resending to ensure letter is attached.

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Tuesday, December 6, 2016 2:23 PM
To: 'Watts, John (Feinstein)' <John_Watts@feinstein.senate.gov>; 'Duck, Jennifer (Feinstein)' <J_Duck@feinstein.senate.gov>
Cc: 'Denny Rehberg' <DRehberg@mercuryllc.com>; 'David L. Bernhardt' <dbernhardt@bhfs.com>; Michelle Ostrowski <mostrowski@westlandswater.org>
Subject: Letter supporting drought language in WRDA

Jennifer and John,

I wanted to make sure you received this.

Tom



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551-9486 • PHONE (925) 454-5000

December 6, 2016

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Subject: ***Support for Drought Language in WRDA***

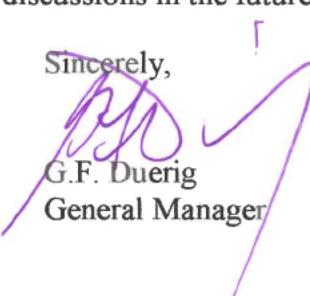
Dear Senator Feinstein:

I am writing on behalf of the Zone 7 Water Agency to express strong support for the drought language in the Water Resources Development Act. Zone 7 receives 80% of its water from the California State Water Project and delivers that water for urban use to almost a quarter million people and businesses in the Livermore Valley of Alameda County. Zone 7 is a crossroads agency, serving retail water suppliers with M&I customers including many high tech industries. Zone 7 also supplies about 10% of its supply to irrigation customers, largely vine growers and uses another portion to sustainably manage its groundwater basin for all uses.

As you can imagine, as a State Water Project contractor, Zone 7 is keenly interested in restoring flexibility to operations of the State Water Project and your legislation furthers that interest. As an Agency whose mission is to provide high quality water to its urban customers in an environmentally sensitive manner, Zone 7 is also supportive of the strong, comprehensive provisions that are included to improve efforts to protect numerous listed species, as well as bolstering the reliability of water supplies for industry, urban and agricultural users. These provisions are an important reason that Zone 7 supports the legislation.

Legislation to improve the ability of the State Water Project to capture water when it is available and to improve efforts to protect at-risk Delta species is long overdue. Thank you for your continued efforts to support a more reliable water supply for the Livermore Valley, for the state and, by extension, for the nation, given the fact that California serves as a major fruit, nut and vegetable supplier for the entire country. If I can answer any questions or provide any assistance on these or other water-related issues, please do not hesitate to contact me (925 454-5016; jduerig@zone7water.com). I look forward to continuing discussions in the future.

Sincerely,


G.F. Duerig
General Manager

cc: John Watts, Legislative Director

From: Tom Birmingham
Sent: Tuesday, December 6, 2016 3:23 PM
To: 'Watts, John (Feinstein)'; 'Duck, Jennifer (Feinstein)'
CC: 'Denny Rehberg'; 'David L. Bernhardt'; Michelle Ostrowski
Subject: Letter supporting drought language in WRDA

Jennifer and John,

I wanted to make sure you received this.

Tom

From: Johnny Amaral
Sent: Tuesday, December 6, 2016 7:29 AM
To: Bernhardt, David L.
Subject: Re: Call

I'm going to have to sprint to catch my connector. What's up?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Dec 6, 2016, at 6:27 AM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

>
> Call me when u land 202 [REDACTED] ?

>
> David Bernhardt
>
>
>

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From: Bernhardt, David L.
Sent: Tuesday, December 6, 2016 7:27 AM
To: Johnny Amaral
Subject: Call

Call me when u land 202 [REDACTED]?

David Bernhardt

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From: DCardoza@foley.com
Sent: Tuesday, December 6, 2016 5:39 AM
To: tbirmingham@westlandswater.org; Bernhardt David Longly; Rehberg Denny; Karen Catherine; sostrowski@westlandswater.org; RSmith@BHFS.com
Subject: Breakfast

Have secured a table for 7-8 in back of coffee shop at the Capitol Hilton on 16th street.

Dennis

Sent from my iPhone

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From: DCardoza@foley.com
Sent: Monday, December 5, 2016 1:40 PM
To: jamaral@westlandswater.org; Bernhardt David Longly; Birmingham Tom
Subject: POLITICO Boxer filibuster

Reporting Boxer quoted that she is going to filibuster WARDA over Drought.

Sent from my iPhone

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From: Bernhardt, David L.
Sent: Monday, December 5, 2016 1:27 PM
To: 'Johnny Amaral'
Subject: FW: Feinstein Supports Drought Language in Water Resources Development Act

FYI

Subject: FW: Feinstein Supports Drought Language in Water Resources Development Act



For Immediate Release
December 5, 2016

Contact: Tom Mentzer
(202) 224-9629

Feinstein Supports Drought Language in Water Resources Development Act

Bill includes both long-term, short-term provisions

\$558 million for storage, desalination, recycling, fish, wildlife protection programs

Fully complies with all state, federal law including Endangered Species Act, biological opinions

Washington—Senator Dianne Feinstein (D-Calif.) today announced her support for drought language in the *Water Resources Development Act*, a bill that authorizes water projects across the country. Broadly based on Feinstein's February 2016 legislation, the drought language is the result of three years of work, more than 50 drafts and vigorous consultation with federal agencies and the White House to ensure the bill complies with environmental laws including the *Endangered Species Act* and biological opinions.

Senator Feinstein released the following statement:

“The question I ask myself about this bill is will it help California? Will the \$558 million in long-term authorizations help California develop a new water infrastructure? Will the short-term operational improvements help us hold more water in a way that does not negatively affect fish or the environment? I believe the answer is yes.

This bill isn't perfect but I do believe it will help California and it has bipartisan support including Republicans and Democrats in the House, and that's why I'm supporting it.

After three years and dozens of versions of legislation, I think this is the best we can do. If we don't move now, we run the real risk of legislation that opens up the *Endangered Species Act* in the future, when Congress will again be under Republican control, this time backed by a Trump administration.

As a result of our work with experts from federal and state agencies, we have included strong savings clauses and environmental protections to ensure this bill is entirely within the bounds of both the *Endangered Species Act* and relevant biological opinions. The bill also includes \$43 million for important programs to restore salmon and smelt and to benefit refuges. But those environmental protections certainly won't be included if a new bill is drafted next year by the Republican majority.

Action is long overdue. California is entering its sixth year of drought. Experts state it will take four or more years to recover. We are seeing water wells in the thousands running dry. At the same time, smelt populations have plummeted to historic lows and salmon populations are struggling.

I know that we absolutely can protect California's environment and wildlife while improving how we move and store water in California. After all, the state is home to 40 million people, but we have essentially the same water system we had five decades ago when the population was 16 million people.

To address the demands of population growth and climate change, we must make sure we can store water from wet years for use in dry years and stretch our existing supplies through conservation, recycling and desalination.

And this bill does that with both long-term and short-term provisions as well as strong environmental protections.

The long-term provisions are centered around \$558 million that will help supplement state and local funding to build the 137 projects identified by the Feinstein drought bill introduced in February (S. 2533). Those projects—desalination, recycling and reuse—could produce upwards of 1.4 million acre feet of water, enough for 2.8 million households. \$335 million is included for storage, funds that will go a long way toward preparing for future dry years, and \$43 million is included to benefit salmon, smelt and wildlife refuges. (*Details on fish and wildlife provisions and long-term infrastructure below.*)

The short-term, five-year operational provisions will ensure the system is operated using science, not intuition. They will help operate the water system more efficiently, pumping water when fish are not nearby and reducing pumping when they are close.

The vast majority of the bill has been public for months or years as part of previous versions and has been the subject of public hearings in May 2016 and October 2015. While there have been some changes to achieve broad agreement by all parties, the bill is largely similar to the bill I introduced in February.

We have also worked with a wide range of federal and state agencies to ensure this bill can be implemented in a way that remains within the bounds of the *Endangered Species Act* and biological opinions.

We must continue to press forward as the rainy season begins so we can begin to relieve serious water shortages in significant parts of the state.”

Summary of legislation

A summary of the bill follows:

- **Overview:** California’s water infrastructure is largely unchanged since the 1960s, when California was home to 16 million people. Our state—with a population of 40 million and the 6th largest economy in the world—relies on water infrastructure that is stretched to the breaking point and desperately needs to be improved and changed.
- **Environmental protections:** We worked with experts from federal and state agencies to draft an environmental protection mandate and a strong, comprehensive savings clause that makes clear the legislation must be implemented consistent with the *Endangered Species Act* and relevant biological opinions.
- **Long-term provisions:** This bill includes \$558 million in long-term funding authorizations. Paired with state and local funding, many of the 137 projects identified by the Feinstein drought bill introduced in February (S. 2533) will be within reach. Those projects could produce upwards of 1.4 million acre feet of water, enough for 2.8 million households. (*See additional details below.*)
- **Short-term provisions:** The bill also includes short-term provisions to ensure the system is operated using science, not intuition. This will help operate the water system more efficiently, pumping water when fish are not nearby and reducing pumping when they are close.
- **Duration:** The short-term operations will last for five years. Long-term construction projects still underway at the end of five years will continue to receive federal funding. One provision that expires after 10 years provides additional opportunities to environmental groups and water districts to consult on any future biological opinions.
- **Federal and State input:** The bill was reviewed extensively by federal and state agencies to ensure it is consistent with environmental laws, including the *Endangered Species Act* and biological opinions.

Environmental protections

- Most importantly, **the bill includes a strong, comprehensive savings clause.** This clause is included at the end of this press release.
 - Drafted by Department of the Interior and the Commerce Department, **the savings clause prohibits any federal agency from taking any action that would violate any environmental laws, including the Endangered Species Act and biological opinions.**
 - The savings clause is stronger than the clause included in Feinstein’s February 2016 drought bill, containing additional language to make clear **nothing in the bill overrides or amends any obligations to manage coastal fisheries** off the coasts of California, Oregon and Washington.
 - Includes an **environmental protection mandate** drafted by NOAA Fisheries to ensure full consistency with the *Endangered Species Act*.
 - Includes language at the request of the administration that protects agencies’ abilities to develop **successor biological opinions.**
- **The long-term authorizations include \$43 million to benefit endangered fish and wildlife,** including:

- **\$15 million for the protection and restoration of salmon:** These funds will be used to increase spawning habitat on the Sacramento River and purchase water to increase flows to reducing predation at Clifton Court Forebay. **These funds can also be used to fix the broken cold water valve at Shasta to prevent 98 percent mortality rates from happening again.** These devices must be fixed and functioning so that we can avoid what we saw in 2015, when 98 percent of the salmon year class died, and in 2014 when 95 percent of the salmon year class died.
- **\$15 million for fish passage projects:** Reauthorizes at \$15 million the *Fisheries Restoration and Irrigation Mitigation Act* (which expired in 2015), a voluntary, cost-sharing program the U.S. Fish and Wildlife Service uses to pay for installing fish screens and diversions that protect migrating salmon.
- **\$3 million for a Delta Smelt Distribution Study:** The better the fish is understood, the better we can operate the system and protect this endangered species. The Fish and Wildlife Service recommended this provision.
- **A program to reduce predation:** The bill directs agencies to address the threat to smelt and salmon by reducing the threat of predators. The regional administrator for NOAA Fisheries (who oversees salmon in California) has stated that predation in the Delta is “unequivocally” a problem.
- **A program to purchase additional water:** The bill authorizes the federal government to purchase water from willing sellers to augment flows needed for fish. Currently there is limited workable authority to accomplish this. The Department of the Interior requested this authority to enable targeted water purchases to provide more water for fish in conjunction with measures to improve habitat and food supply, which will help restore fish populations.
- **Programs to reduce invasive species that harm fish:** The bill authorizes pilot projects under a CALFED program to control invasive species. Invasive species—such as water hyacinth and Asian clams—have contributed to the decline of native listed fish in the Bay-Delta, including the Delta smelt.
- **\$10 million for wildlife refuges:** This will allow refuges to connect to additional sources of water supply, for example through channels.
- **The bill has a comprehensive environmental protection mandate** drafted by NOAA Fisheries and the Department of the Interior to ensure that the actions under this bill fully reflect the protections of the *Endangered Species Act*.
- **Consistency with state law:** All provisions in the bill must be consistent with state law including water quality and salinity control standards.
- **Coastal salmon fisheries:** The bill protects agencies’ authority to manage salmon and other fisheries off the coast of California, Oregon and Washington under the *Magnuson Stevens Act* or the *Endangered Species Act*.
- **Environmentalist and water district input into Endangered Species Act consultation:** The bill increases transparency and public input during any *Endangered Species Act* consultations by providing environmental groups and water districts with the opportunity to work with the agencies on any future biological opinions. The provisions also provide for quarterly stakeholder meetings so the public is kept informed of any *Endangered Species Act* consultations. Nothing in this section affects in any way the substantive requirements of consultation under the *Endangered Species Act* to protect species.

Long-term water infrastructure provisions

- **Authorization of projects:** \$515 million, fully offset, goes to storage, recycling, reuse and desalination projects. These funds will help supplement California’s water bond.

- **Funds:** The bill authorizes the following funds:
 - **Desalination:** \$30 million for design and construction of desalination projects.
 - **Water recycling, reuse and conservation:** Increases funding for WaterSMART by \$100 million (from \$350 million to \$450 million), including \$50 million for water supply and conservation activities on the Colorado River. Includes another \$50 million for water recycling through a new Title XVI grant program that actually works for new water recycling projects, unlike the current program. The revised program will allow new water recycling projects to get federal funding even if Congress has not authorized each specific project.
 - **Storage:** \$335 million in funding for storage and groundwater projects.
- **Coordinated implementation with the state water bond:** This will allow federal funding to go to qualified, environmentally-mitigated and cost-beneficial projects such as desalination, recycling, groundwater and storage projects on the same timeframe as projects funded under the state water bond.

Short-term operational provisions

- **Duration:** The short-term operational provisions expire after five years. Researchers from UCLA have reported that it will take approximately four and a half years for a full recovery from the drought.
- **Eight key provisions** will allow more water to be captured and stored.
 - 1) **Daily monitoring for fish** closer to the pumps will allow pumps to be operated at higher levels while better protecting fish. This daily boat monitoring for smelt will occur when water turbidity levels are high (cloudy water attracts fish to pumps), which will allow pumping decisions to be made based on the actual location of the fish.
 - 2) **Ending the winter storm “payback” requirement** will allow agencies to capture additional water during winter storms. Agencies may increase pumping during winter storms so long as they do not violate the environmental protection mandate. Once storms end, agencies would no longer be required to “pay back” water already pumped unless there was an environmental reason to do so.
 - 3) **Requires agencies to explain why pumping occurs at lower levels than allowed by the biological opinions.** The requirement is about transparency: agencies must provide reasons for why pumping was reduced.
 - 4) **Agencies must maximize water supplies consistent with applicable laws and biological opinions.** The bill also makes very clear that agencies can take no action that would violate the *Endangered Species Act* or biological opinions.
 - 5) **Pilot Project to open Delta Cross-Channel Gates in a manner that achieves increased water supply without any harm to fish.** The agencies would evaluate alternative ways to open the gates and protect fish during their migration. If the pilot project is successful, it would yield extra water with no harm to the fish or water quality.
 - 6) **Extending the time period for water transfers by five months.** The current transfer window of July through September is extended to April through November. This makes water available during the critical spring planting season.
 - 7) **Allowing a 1:1 ratio for water transfers.** The provision provides a strong incentive for water transfers during critical salmon migratory periods in April and May in the lower San Joaquin. Through transfers, the same unit of water can therefore help both fish and farms. This provision helps facilitate voluntary transfers in April and May by allowing a 1:1 inflow to export ratio solely for water transfers. Buyers and sellers have little incentive to transfer water unless they receive the full value of their water—the 1:1 ratio.

The bill includes strong environmental protections to ensure this water is in addition to the regular flow of the river, extra water that will benefit fish.

- 8) **Allowing expedited reviews of transfers and the construction of barriers.** To expedite environmental reviews of proposed water transfers, agencies are directed to finish their reviews within 45 days of receiving complete applications for the transfers. The approval of temporary salinity barriers must be completed within 60 days. If environmental impact statements must be prepared under NEPA, the agencies can take longer than the generally applicable deadlines.

Outreach process

Over the course of two years, Senator Feinstein and her staff took hundreds of meetings, phone calls and discussions. Feedback was accepted from Republicans and Democrats and Senator Feinstein made dozens of changes to the bill text in response to comments from environmental groups, water districts, cities, rural communities, fishermen and farmers.

The bill was also reviewed by experts with federal and state agencies to ensure it would remain within the bounds of the *Endangered Species Act* and relevant biological opinions.

A previous version of the bill introduced in February 2016 (S. 2533) received support from 151 organizations and public officials from across California.

Savings clause

Following is the bill's savings clause that prevents the legislation from violating state or federal environmental laws including the *Endangered Species Act* and biological opinions. ***Bracketed text is where each part of the clause originated.***

Sec. 4012. SAVINGS LANGUAGE.

- (a) IN GENERAL.—This Act shall not be interpreted or implemented in a manner that—
 - (1) preempts or modifies any obligation of the United States to act in conformance with applicable State law, including applicable State water law; [*requested by Governor Brown's office; also included in February 2016 Feinstein drought bill*]
 - (2) affects or modifies any obligation under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706), except for the savings provisions for the Stanislaus River predator management program expressly established by section 12(b); [*included in February 2016 Feinstein drought bill*]
 - (3) overrides, modifies, or amends the applicability of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the application of the smelt and salmonid biological opinions to the operation of the Central Valley Project or the State Water Project; [*drafted by NOAA Fisheries and the Department of the Interior; also included in February 2016 Feinstein drought bill*]
 - (4) would cause additional adverse effects on listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, using the best scientific and commercial data available; [*drafted by NOAA Fisheries and the Department of the Interior*] or
 - (5) overrides, modifies, or amends any obligation of the Pacific Fisheries Management Council, required by the Magnuson Stevens Act or the Endangered Species Act, to manage fisheries off the coast of California, Oregon, or Washington. [*requested by Senator Wyden*]
- (b) SUCCESSOR BIOLOGICAL OPINIONS. —
 - (1) IN GENERAL. —The Secretaries of the Interior and Commerce shall apply this Act to any successor biological opinions to the smelt or salmonid biological opinions only to the extent that the Secretaries determine is consistent with:

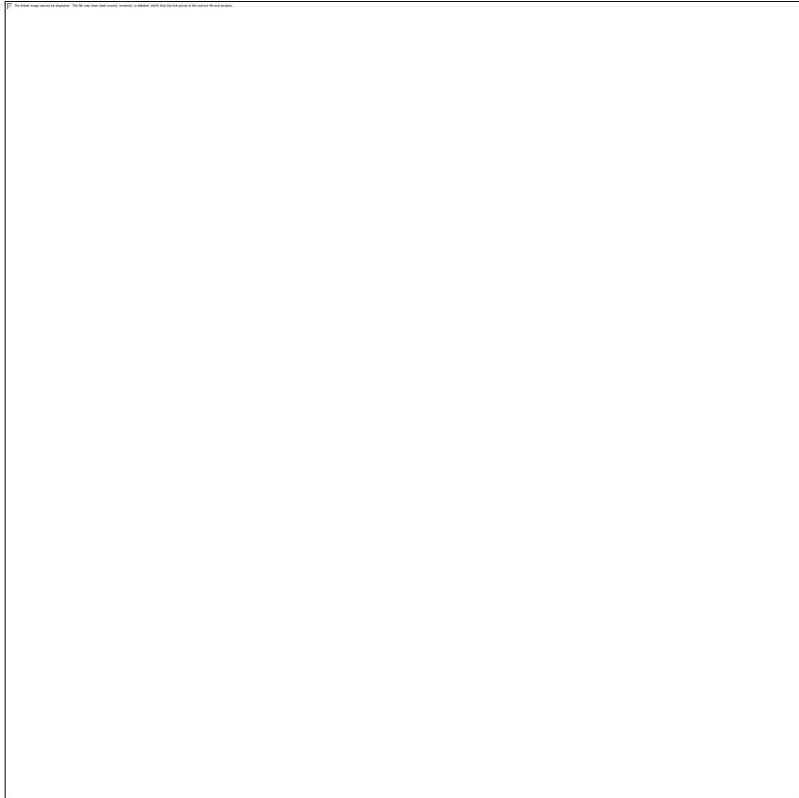
- (A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), its implementing regulations, and the successor biological opinions; and
 - (B) Subsection (a)(4) above. *[requested by administration]*
- (2) LIMITATION.—Nothing in this Act shall restrict the Secretaries of the Interior and Commerce from completing consultation on successor biological opinions and through those successor biological opinions implementing whatever adjustments in operations or other activities as may be required by the Endangered Species Act and its implementing regulations. *[requested by administration]*
- (c) SEVERABILITY.—If any provision of this Act, or any application of such provision to any person or circumstance, is held to be inconsistent with any law or the biological opinions, the remainder of this Act and the application of this Act to any other person or circumstance shall not be affected. *[included in February 2016 Feinstein drought bill]*

###

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From: Bernhardt, David L.
Sent: Monday, December 5, 2016 1:19 PM
To: 'Johnny Amaral'
Subject: FW: House to Vote on California Water Provisions

From: McCarthy Press Shop [mailto:mccarthypressShop@mail.house.gov]
Sent: Monday, December 05, 2016 3:09 PM
To: Bernhardt, David L.
Subject: House to Vote on California Water Provisions



Press Office
December 5, 2016

Mike Long, Matt Sparks
[View Online](#)

McCarthy Supports California Drought Language in Water Bill

WASHINGTON, DC – Today, legislation to bring water to California communities was introduced. This legislative language will be included in the FY17 Water Resources Development Act (WRDA) which will be voted on this week by the House and Senate. It is a byproduct of bipartisan negotiations between the House and Senate. Majority Leader McCarthy released the following statement on the bipartisan agreement:

"After years of hard work with countless constituencies, Congress is ready to pass a California water deal. This legislation will bring more water to our communities and supports critical storage projects. It also provides resources for water desalination, conservation, efficiency, and recycling projects. Getting to this point has not been easy, but the collective commitment to provide relief to our state and local communities has proved resilient. This is an important moment for California, and the timing of this deal is critical—we cannot afford to miss capturing water from storms during this wet season. The agreement could not have been finalized without Senator Dianne Feinstein, and I am proud to have worked with her on this legislation. Our work on California water is by no means complete, but this deal signals that there is a path to getting more done to restore California's greatness."



Majority Leader Press Office

H-107 | The Capitol

202-225-4000

majorityleader.gov

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From: Bernhardt, David L.
Sent: Monday, December 5, 2016 1:11 PM
To: 'Johnny Amaral'
Subject: RE: did boxer do a statement?

Yes. The Hill has a story, i can not send you for some reason.

From: Johnny Amaral [mailto:jamaral@westlandswater.org]
Sent: Monday, December 05, 2016 2:56 PM
To: Bernhardt, David L.
Subject: did boxer do a statement?

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From: Johnny Amaral

Sent: Monday, December 5, 2016 12:56 PM

To: David Bernhardt

Subject: did boxer do a statement?

From: Johnny Amaral

Sent: Monday, December 5, 2016 11:43 AM

To: David Bernhardt

Subject: can you talk real quick?

From: Johnny Amaral
Sent: Monday, December 5, 2016 11:36 AM
To: Tom Birmingham; Dennis Cardoza; Denny Rehberg; David Bernhardt; 'Smith, Ryan A.'; Catherine Karen
Subject: McCarthy sees minor, bipartisan drought measure in lame duck

AGENDA

McCarthy sees minor, bipartisan drought measure in lame duck

[George Cahlink](#), E&E News reporter

Published: Monday, December 5, 2016

House Majority Leader Kevin McCarthy expects a water projects bill to pass the House this week containing modest provisions to address the ongoing California drought.

"The long-term drought legislation will have to wait until next year," the California Republican told reporters earlier today. But, he said, he expects the Water Resources Development Act measure due out today to contain a smaller, bipartisan agreement on the drought.



House Majority Leader Kevin McCarthy (R-Calif.). Photo courtesy of @kevinomccarthy via Twitter.

"The rainy season does not wait for Congress; you have a couple months early [in the year] where if you miss having some piece of legislation, you would miss the opportunity to store the water in California," McCarthy added.

A McCarthy aide said the bipartisan provision — which was worked out with Sen. Dianne Feinstein (D-Calif.) — would likely provide the state authorities it needs to continue to collect and pump water. Similar provisions have moved in other year-end packages in recent years.

Aside from WRDA, McCarty said, the House is expecting to move a stopgap spending bill by Thursday before wrapping up the session. He said the spending legislation, known as a continuing resolution (CR), is being finalized and will likely be out tomorrow.

Negotiators are still hammering out how long the CR will extend into next spring and what add-on riders it might contain. Among the provisions in play are tax extenders, elements of an energy reform package and language to allow the U.S. Export-Import Bank to resume full operations.

Congress needs to pass a stopgap by Friday, when the current CR expires, or face a government shutdown. The temporary spending measures are needed because lawmakers have passed only one of their 12 fiscal 2017 spending bills, leaving agencies like U.S. EPA and the Interior and Energy departments to operate under fiscal 2016 funding levels.

Twitter: [@GeorgeCahlink](#) Email: gcahlink@eenews.net

From: Emmerson, Catherine
Sent: Monday, December 5, 2016 9:01 AM
To: Johnny Amaral
CC: Denny Rehberg; Bernhardt, David L.; Cardoza Dennis
Subject: RE: 1 pm

Ok. Thank you!

CATHERINE KAREN

Counsel

SIDLEY AUSTIN LLP

1501 K Street, N.W.
Washington, DC 20005
+1 202 736 8368
ckaren@sidley.com
www.sidley.com



From: Johnny Amaral [mailto:jamaral@westlandswater.org]
Sent: Monday, December 05, 2016 10:55 AM
To: Emmerson, Catherine
Cc: Denny Rehberg; Bernhardt, David L.; Cardoza Dennis
Subject: Re: 1 pm

Yes we will be having a call. No problem mrs. Emmerson, we will see you this week

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

On Dec 5, 2016, at 7:54 AM, Emmerson, Catherine <cemmerson@sidley.com> wrote:

Hi gentlemen,
I don't know if we are having a call today but I need to be at some EPA meetings and cannot make it. My apologies and see you all tomorrow.

CATHERINE EMMERSON (note name change; email change coming soon)

SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005
+1 202 736 8368
ckaren@sidley.com
www.sidley.com



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From: Johnny Amaral
Sent: Monday, December 5, 2016 8:55 AM
To: Emmerson, Catherine
CC: Denny Rehberg; Bernhardt, David L.; Cardoza Dennis
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From: Emmerson, Catherine
Sent: Monday, December 5, 2016 8:53 AM
To: 'jamaral@westlandswater.org'
CC: Denny Rehberg; Bernhardt, David L.; Cardoza Dennis
Subject: 1 pm

Hi gentlemen,

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CATHERINE EMMERSON (note name change; email change coming soon)

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immediately.

From: Smith, Ryan A.
Sent: Monday, December 5, 2016 8:52 AM
To: Tom Birmingham; Johnny Amaral
CC: Bernhardt, David L.; Dennis Cardoza; Denny Rehberg; Catherine Karen; Shelley Ostrowski
Subject: Re: Breakfast meeting Tuesday morning

Assuming I am not still in jury duty, I will be there.

*Ryan Smith
Shareholder
Brownstein Hyatt Farber Schreck
(202) [REDACTED]*

----- Original message-----

From: Tom Birmingham
Date: Mon, Dec 5, 2016 10:48 AM
To: Johnny Amaral;
Cc: Bernhardt, David L.;Dennis Cardoza;Denny Rehberg;Smith, Ryan A.;Catherine Karen;Shelley Ostrowski;
Subject:Re: Breakfast meeting Tuesday morning

I appreciate everyone making themselves available.

Sent from my iPhone

> On Dec 4, 2016, at 8:02 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:
>
>
> Team,
>
> For those of you that are available, Tom would like to have breakfast at the restaurant in the lobby at the Capitol Hilton at 8am on Tuesday.
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> Please let me know that you got the message and if you are available.
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> I'm coming in a day later than Tom, so I will connect with you all when I arrive Tuesday afternoon.
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> Best,
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> Deputy General Manager - External Affairs
> Westlands Water District
>

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From: Tom Birmingham
Sent: Monday, December 5, 2016 8:49 AM
To: Johnny Amaral
CC: David L. Bernhardt; Dennis Cardoza; Denny Rehberg; Ryan A. 'Smith; Catherine Karen; Shelley Ostrowski
Subject: Re: Breakfast meeting Tuesday morning

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> Johnny Amaral
> Deputy General Manager - External Affairs
> Westlands Water District
>

From: Walthall, Brent
Sent: Monday, December 5, 2016 8:28 AM
To: Johnny Amaral
Subject: RE: Agency support letter

Yes, sorry. I missed it in my email stack.

Thank you for coordinating the letter.

Brent

From: Johnny Amaral [mailto:jamaral@westlandswater.org]
Sent: Monday, December 05, 2016 7:20 AM
To: Walthall, Brent <bwalthall@kcwa.com>
Subject: Re: Agency support letter

You should have received the final format with agency logos at the top. We're not going to do wet signatures because I figured it would take too long to complete and format.

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

On Dec 5, 2016, at 7:17 AM, Walthall, Brent <bwalthall@kcwa.com> wrote:

Hi Johnny:

The letter looks good to us as well.

Do you need our seal and an electronic signature? GMs or Board Presidents? Let me know what you need.

Brent

From: Johnny Amaral [mailto:jamaral@westlandswater.org]
Sent: Friday, December 02, 2016 9:18 AM
To: rpatterson@mwdh2o.com; Walthall, Brent <bwalthall@kcwa.com>; Dan Vink <dvink@svwater.org>; Jason R. Phillips' <jphillips@friantwater.org>; dorth@davidorthconsulting.com; Steve Chedester <schedester@sjrecwa.net>; Jeff Sutton <jsutton@tccanal.com>; Tom Birmingham <tbirmingham@westlandswater.org>
Cc: Mike Burns <mburns@ka-pow.com>; David Bernhardt <dbernhardt@bhfs.com>
Subject: Agency support letter

Gents,

Please review the letter below. In the event that the language we support gets attached a moving legislative vehicle sometime today or this weekend, I think we need to be prepared to distribute a

support letter to the CA Delegation. But we should wait to weigh in until AFTER the bill is filed with the Rules Committee.

There are still a couple of potential vehicles, and as soon as I get confirmation one way or another, I will communicate with you immediately. But in the meantime, please review the attached letter and let me know if it works for you and your agency. Once its agreed to, Mike Burns from KP (cc'd on this email) with assemble final layout on a joint letterhead.

Please try to take a look at the draft this morning. Its short and sweet.

Johnny

Dear California Congressional Delegation:

We are writing this letter to express our great appreciation for the action you have taken to address operations of California's water infrastructure in the 114th Congress. If Congress had failed to act, the state ran the risk of losing the ability to deliver water to areas that have suffered socially and economically as a result of water supply shortages and to replenish reservoirs and groundwater levels that provide critical supplies during the months of low precipitation.

The undersigned water agencies, stretching from northern to southern California, have reviewed the legislative language related to Central Valley Project (CVP) and State Water Project (SWP) operations, and we believe it reflects a compromise that will serve all Californians by increasing the potential for improved water supplies for communities throughout the state.

The language improves dramatically the flexibility to federal and state agencies to operate the water projects in order to maximize the water available to urban and rural water agencies, while at the same time protecting listed fish species. The language protects the rights of the water users upstream of the Delta and does not amend the Endangered Species Act.

We greatly appreciate your efforts and support enactment of the legislation.

Respectfully,

Friant North Authority
Friant Water Authority
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South Valley Water Association
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Metropolitan Water District
San Joaquin River Exchange Contractors
South Valley Water Association
Tehama Colusa Canal Authority
Westlands Water District

From: Noles, Holly A. on behalf of Bernhardt, David L. [DBernhardt@BHFS.com]
Sent: Monday, December 5, 2016 8:20 AM
To: 'Denny Rehberg'; Johnny Amaral
CC: Bernhardt, David L.; Dennis Cardoza; Smith, Ryan A.; Catherine Karen; Thomas Birmingham; Shelley Ostrowski
Subject: RE: Breakfast meeting Tuesday morning

David will be there.

Holly Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1155 F Street N.W., Suite 1200

Washington, DC 20004

202.652.2352 tel

HNOLES@bhfs.com

From: Denny Rehberg [mailto:DRehberg@mercuryllc.com]

Sent: Monday, December 05, 2016 9:33 AM

To: Johnny Amaral

Cc: Bernhardt, David L.; Dennis Cardoza; Smith, Ryan A.; Catherine Karen; Thomas Birmingham; Shelley Ostrowski

Subject: Re: Breakfast meeting Tuesday morning

I'm available



Denny Rehberg

Co-Chairman

(US Congressman 2001-2013) 300 Tingey Street SE | Suite 202

Washington, DC | 20003

202.261.4000 office | [REDACTED] mobile

www.mercuryllc.com

> On Dec 4, 2016, at 10:01 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:

>

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Westlands Water District

From: Denny Rehberg
Sent: Monday, December 5, 2016 7:33 AM
To: Johnny Amaral
CC: David L. Bernhardt; Dennis Cardoza; Ryan A. 'Smith; Catherine Karen; Thomas Birmingham; Shelley Ostrowski
Subject: Re: Breakfast meeting Tuesday morning

I'm available

Mercury.

Denny Rehberg

Co-Chairman

(US Congressman 2001-2013) 300 Tingey Street SE | Suite 202

Washington, DC | 20003

202.261.4000 office | [REDACTED] mobile

www.mercurylc.com

> On Dec 4, 2016, at 10:01 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:

>

>

> Team,

>

> For those of you that are available, Tom would like to have breakfast at the restaurant in the lobby at the Capitol Hilton at 8am on Tuesday.

>

> Please let me know that you got the message and if you are available.

>

> I'm coming in a day later than Tom, so I will connect with you all when I arrive Tuesday afternoon.

>

> Best,

>

> Johnny Amaral

> Deputy General Manager - External Affairs

> Westlands Water District

>

>

This email is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution, or copying of this email or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this email in error, please immediately notify us by calling our Network Operations Center at +1 855 237 8324.

From: Emmerson, Catherine
Sent: Monday, December 5, 2016 5:57 AM
To: Johnny Amaral; David L. Bernhardt; Dennis Cardoza; Denny Rehberg; Ryan A. ' Smith; Emmerson, Catherine; Thomas Birmingham; Shelley Ostrowski
Subject: RE: Breakfast meeting Tuesday morning

I can be there.

Sent with Good Work (www.blackberry.com)

From: Johnny Amaral <jamaral@westlandswater.org>
Date: Sunday, Dec 04, 2016, 10:01 PM
To: David L. Bernhardt <dbernhardt@bhfs.com>, Dennis Cardoza <dcardoza@foley.com>, Denny Rehberg <drehberg@mercurylle.com>, Ryan A. ' Smith <RSmith@BHFS.com>, Emmerson, Catherine <cemmerson@sidley.com>, Thomas Birmingham <tbirmingham@westlandswater.org>, Shelley Ostrowski <sostrowski@westlandswater.org>
Subject: Breakfast meeting Tuesday morning

Team,

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Please let me know that you got the message and if you are available.

I'm coming in a day later than Tom, so I will connect with you all when I arrive Tuesday afternoon.

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

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If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

From: DCardoza@foley.com
Sent: Sunday, December 4, 2016 8:13 PM
To: Johnny Amaral
CC: David L. Bernhardt; Denny Rehberg; Ryan A. 'Smith; Catherine Karen; Thomas Birmingham; Shelley Ostrowski
Subject: Re: Breakfast meeting Tuesday morning

Yes I can do that. Dennis

Sent from my iPhone

Please excuse any auto correct errors

> On Dec 4, 2016, at 10:02 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:

>
>
> Team,
>
> For those of you that are available, Tom would like to have breakfast at the restaurant in the lobby at the Capitol Hilton at 8am on Tuesday.
>
> Please let me know that you got the message and if you are available.
>
> I'm coming in a day later than Tom, so I will connect with you all when I arrive Tuesday afternoon.
>
> Best,
>
> Johnny Amaral
> Deputy General Manager - External Affairs
> Westlands Water District
>
>

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From: Johnny Amaral
Sent: Sunday, December 4, 2016 8:01 PM
To: David L. Bernhardt; Dennis Cardoza; Denny Rehberg; Ryan A. 'Smith; Catherine Karen; Thomas Birmingham; Shelley Ostrowski
Subject: Breakfast meeting Tuesday morning

Team,

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Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

From: Patterson,Roger K
Sent: Friday, December 2, 2016 8:41 PM
To: Johnny Amaral
CC: Brent' Walthall; Dan Vink; Jason R. Phillips; dorth@davidorthconsulting.com; Thomas Birmingham; Steve Chedester; Jeff Sutton; David Bernhardt; Mike Burns
Subject: Re: Letter

Looks good. Thanks.

> On Dec 2, 2016, at 5:09 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:
>
> Gents,
>
> This is obviously in about of a holding pattern given what's transpired. But please take a look at the attached and let me know if it works for you.
>
> The date will be changed to reflect the day it's sent. Maybe Monday. We will see.
>
> <California Congressional Delegation.docx>
> <ATT00001>

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From: Dan Vink
Sent: Friday, December 2, 2016 11:53 AM
To: jamaral@westlandswater.org
CC: rpatterson@mwdh2o.com; Brent Walthall; Jason R. Phillips; dorth@davidorthconsulting.com; Steve Chedester; Jeff Sutton; Tom Birmingham; Mike Burns; David Bernhardt
Subject: Re: Agency support letter

We're good. Thanks.

Dan

Dan Vink
Executive Director
South Valley Water Association

dvink@svwater.org



On Dec 2, 2016, at 9:18 AM, Johnny Amaral <jamaral@westlandswater.org> wrote:

Gents,

Please review the letter below. In the event that the language we support gets attached a moving legislative vehicle sometime today or this weekend, I think we need to be prepared to distribute a support letter to the CA Delegation. But we should wait to weigh in until AFTER the bill is filed with the Rules Committee.

There are still a couple of potential vehicles, and as soon as I get confirmation one way or another, I will communicate with you immediately. But in the meantime, please review the attached letter and let me know if it works for you and your agency. Once its agreed to, Mike Burns from KP (cc'd on this email) with assemble final layout on a joint letterhead.

Please try to take a look at the draft this morning. Its short and sweet.

Johnny

Dear California Congressional Delegation:

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The undersigned water agencies, stretching from northern to southern California, have reviewed the legislative language related to Central Valley Project (CVP) and State Water Project (SWP) operations, and we believe it reflects a compromise that will serve all Californians by increasing the potential for improved water supplies for communities throughout the state.

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We greatly appreciate your efforts and support enactment of the legislation.
Respectfully,

Friant North Authority
Friant Water Authority
Kern County Water Agency
Metropolitan Water District
San Joaquin River Exchange Contractors
South Valley Water Association
Tehama Colusa Canal Authority
Westlands Water District

From: Walthall, Brent
Sent: Friday, December 2, 2016 10:38 AM
To: Johnny Amaral
Subject: RE: Agency support letter

Looks good to me too. I like to check these things with an ad hoc of my board. I'll let you know as soon as I hear from them if we can sign on.

Brent

From: Johnny Amaral [mailto:jamaral@westlandswater.org]
Sent: Friday, December 02, 2016 9:18 AM
To: rpatterson@mwdh2o.com; Walthall, Brent <bwalthall@kcwa.com>; Dan Vink <dvink@svwater.org>; 'Jason R. Phillips' <jphillips@friantwater.org>; dorth@davidorthconsulting.com; Steve Chedester <schedester@sjrecwa.net>; Jeff Sutton <jsutton@tccanal.com>; Tom Birmingham <tbirmingham@westlandswater.org>
Cc: Mike Burns <mburns@ka-pow.com>; David Bernhardt <dbernhardt@bhfs.com>
Subject: Agency support letter

Gents,

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San Joaquin River Exchange Contractors
South Valley Water Association
Tehama Colusa Canal Authority
Westlands Water District

From: David Orth
Sent: Friday, December 2, 2016 10:33 AM
To: 'Johnny Amaral'; rpatterson@mwdh2o.com; 'Brent Walthall'; 'Dan Vink'; 'Jason R. Phillips'; 'Steve Chedester'; 'Jeff Sutton'; 'Tom Birmingham'
CC: 'Mike Burns'; 'David Bernhardt'
Subject: RE: Agency support letter

Letter looks fine. It would be nice to see final language.

Orth

From: Johnny Amaral [mailto:jamaral@westlandswater.org]
Sent: Friday, December 2, 2016 9:18 AM
To: rpatterson@mwdh2o.com; 'Brent Walthall' <bwalhall@kcwa.com>; Dan Vink <dvink@svwater.org>; 'Jason R. Phillips' <jphillips@friantwater.org>; dorth@davidorthconsulting.com; Steve Chedester <schedester@sjrecwa.net>; Jeff Sutton <jsutton@tccanal.com>; Tom Birmingham <tbirmingham@westlandswater.org>
Cc: Mike Burns <mburns@ka-pow.com>; David Bernhardt <dbernhardt@bhfs.com>
Subject: Agency support letter

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San Joaquin River Exchange Contractors
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Tehama Colusa Canal Authority
Westlands Water District

From: Steve Chedester
Sent: Friday, December 2, 2016 10:29 AM
To: Johnny Amaral
CC: rpatterson@mwdh2o.com; Brent Walthall; Dan Vink; Jason R. Phillips; dorth@davidorthconsulting.com; Jeff Sutton; Tom Birmingham; Mike Burns; David Bernhardt
Subject: Re: Agency support letter

Looks fine !

Steve Chedester
SJRECWA
Sent from iPhone

On Dec 2, 2016, at 9:17 AM, Johnny Amaral <jamaral@westlandswater.org> wrote:

Gents,

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Westlands Water District

From: jsutton@tccanal.com
Sent: Friday, December 2, 2016 10:25 AM
To: Johnny Amaral; rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Steve Chedester; Tom Birmingham
CC: Mike Burns; David Bernhardt
Subject: Re: Agency support letter

Looks great to me, I am in.

Sent from my BlackBerry 10 smartphone.

From: Johnny Amaral
Sent: Friday, December 2, 2016 9:18 AM
To: rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Steve Chedester; Jeff Sutton; Tom Birmingham
Cc: Mike Burns; David Bernhardt
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To: rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Steve Chedester; Jeff Sutton; Tom Birmingham
CC: Mike Burns; David Bernhardt
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Metropolitan Water District
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Tehama Colusa Canal Authority

Westlands Water District

From: Bernhardt, David L.
Sent: Friday, December 2, 2016 10:10 AM
To: Thomas W. (Tom) Birmingham Esq.
Subject: H. Dale Hall
Attachments: H. Dale Hall.vcf; ATT00001.txt

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

BEGIN:VCARD
VERSION:3.0
PRODID:-//Apple Inc.//iPhone OS 10.0.2//EN
N:Hall;H.;Dale;;
FN: H. Dale Hall
ORG:Ducks Unlimited;
TITLE:CEO
EMAIL;type=INTERNET;type=pref:dhall@ducks.org
TEL;type=WORK;type=VOICE;type=pref:901-[REDACTED]
TEL;type=CELL;type=VOICE:901-[REDACTED]
ADR;type=WORK;type=pref:;One Waterfowl
Way;Memphis;Tennessee;38120;United States of America
item1.URL;type=pref:www.ducks.org
item1.X-ABLabel:_\$!<HomePage>!\$_
END:VCARD

David Bernhardt

From: Johnny Amaral
Sent: Friday, December 2, 2016 8:30 AM
To: David L. Bernhardt
Subject: Brenda burman

Do you have a bio on file for her?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

From: Holly Long

Sent: Thursday, December 1, 2016 5:46 PM

To: ara.azhderian@sldmwa.org; Carolyn Jensen; Chris White; David Bernhardt; Dennis Cardoza; Frances Brewster (FBrewster@valleywater.org); Frances Mizuno; Jason Nishijima; Jason Peltier (jason.peltier@sldmwa.org); Jon Rubin (Jon.Rubin@sldmwa.org); Judy Bendix; O'Hanlon, Daniel; pwilliams@westlandswater.org; sfong@sfcwa.org; Sheila Greene (sgreene@westlandswater.org); Steve Chedester; Tom Boardman (tboardman@apex.net)

Subject: Delta conditions report

Attachments: 2016-12-1-DeltaConditionsReport.docx

Hi everyone,

The Delta conditions report is attached.

Thank you,

Holly

Holly Long

Mosaic Associates

1690 San Pablo Avenue, Suite D

Pinole, CA 94564

holly@mosaicassociates.net

510.964.0394 office

510.964.0396 fax

[REDACTED] cell

DELTA CONDITIONS REPORT, DECEMBER 1, 2016

Holly Long, SLDMWA

EXECUTIVE SUMMARY

- Operational constraint: Available capacity.
 - X2 today is >81 km (east of Collinsville).
 - Scheduled combined exports today are 10,780 cfs.
 - Outflow index today is ~11,500 cfs.
 - Tuesday's CDEC OMR values were -9,403 cfs (daily), -9,260 cfs (5-day).
 - % inflow diverted today is 57.2% (14-day average).
- Salvage and ITLs, WY 2017
 - Steelhead, non-clipped salvage (11/30): 0.1% of ITL.
 - No salvage for other listed species yet this water year (as of 11/30).
- Surveys/monitoring
 - **Delta smelt**, most recent surveys:
 - Fall Midwater Trawl: September and October abundance indices=0 (overall FMWT index is sum of September–December indices).
 - **Longfin smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=3, October abundance index=0 (overall FMIWT index is sum of September–December indices).
- Expectations
 - Rapid genetic testing will be done on salvaged Chinook salmon if an older juvenile loss density trigger (RPA Action IV.3 or IV.2.3) is exceeded ("11/29/16 DOSS update for DAT" email, B. Byrne, 11/29).

DELTA CONDITIONS REPORT, DECEMBER 1, 2016

DELTA SMELT

- **Salvage:**

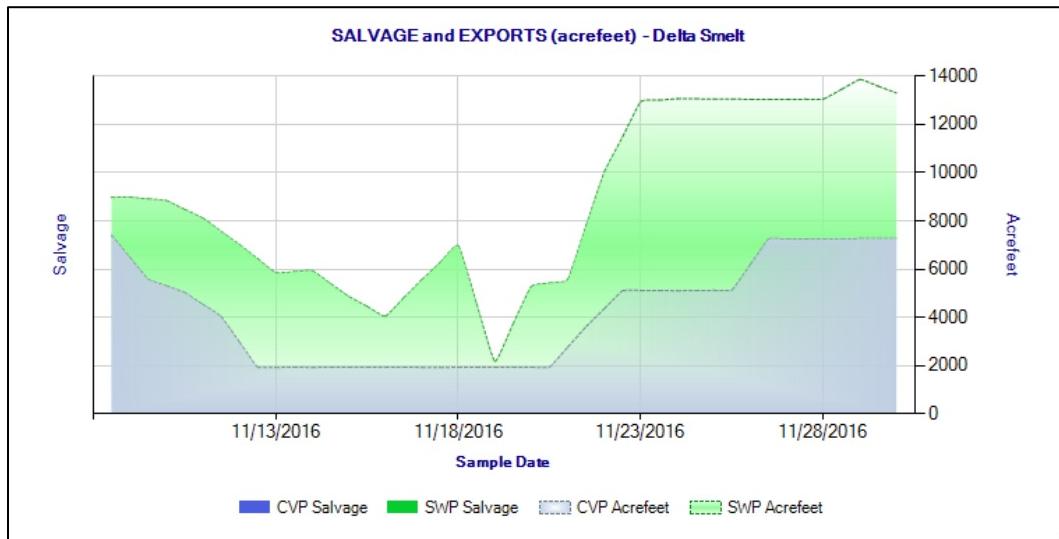


Figure: Recent delta smelt salvage (adults and juveniles) at both facilities (none in time period shown). Data through 11/30.

	Combined salvage as of 11/30/16	Concern level for WY 2017	ITL for WY 2017
Adult	0	Not yet known	
Juvenile	0	Not yet known	

- **Fall Midwater Trawl index:**

- September abundance index=0; October abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Summer Townet:**
 - The 2016 Summer Townet index for delta smelt was 0.

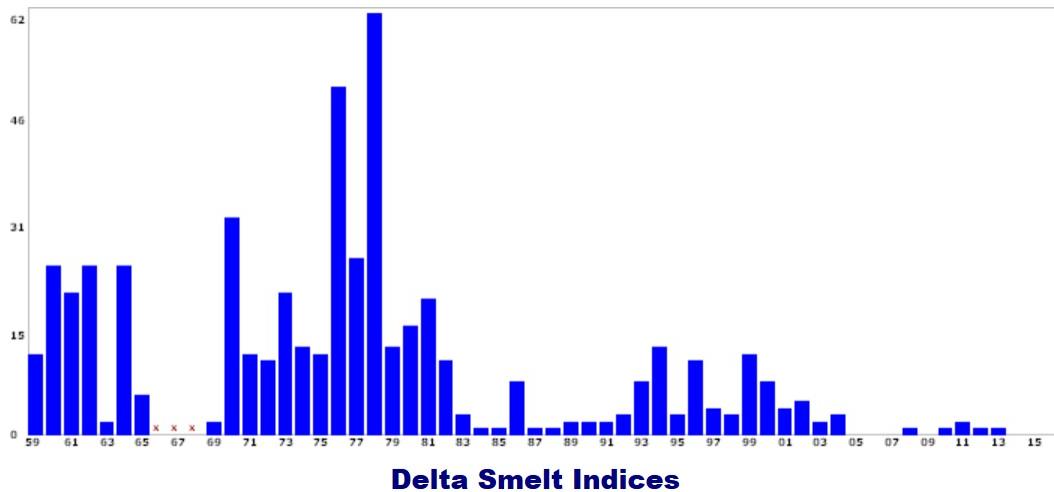


Figure: Summer Townet indices for delta smelt. Graph from <http://www.dfg.ca.gov/delta/data/townet/indices.asp?species=3>.

- **Bay Study:**

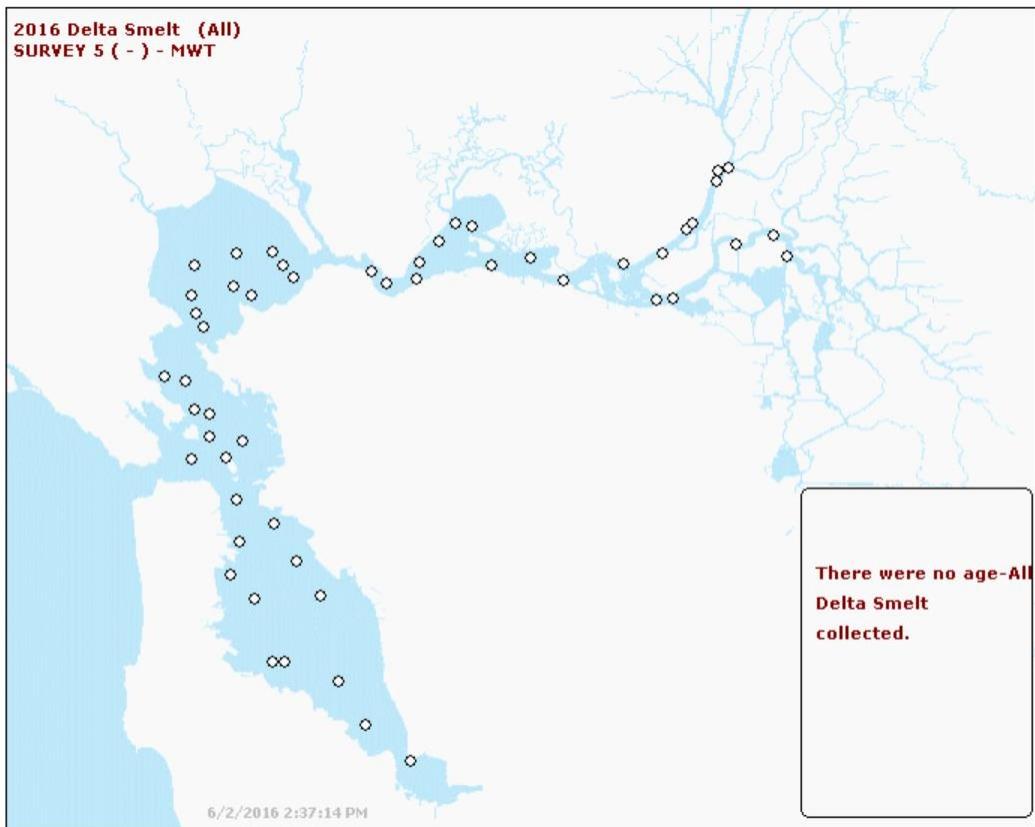


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey available). No delta smelt were caught in May.

LONGFIN SMELT

- **Salvage:**

- No salvage yet this WY (as of 11/30).

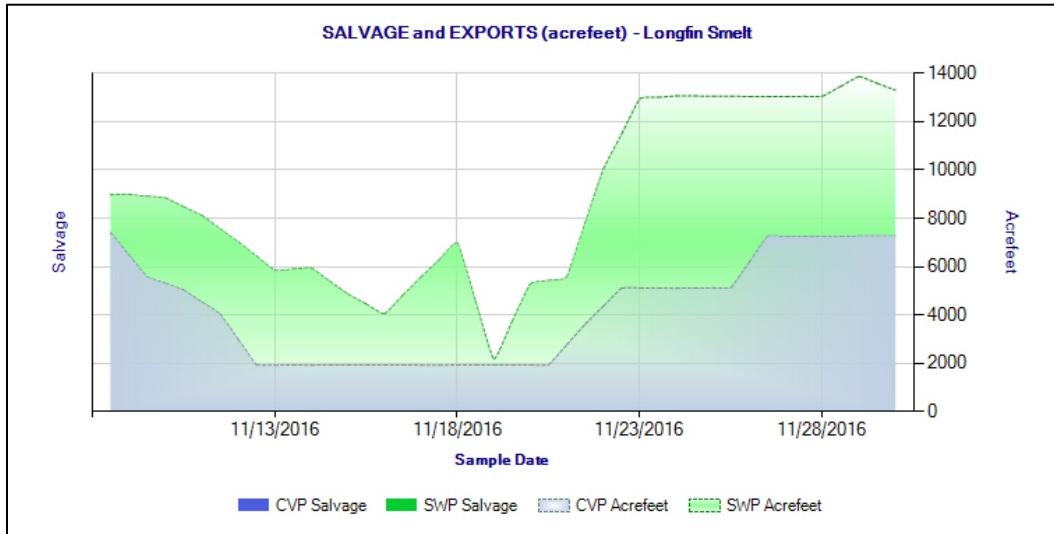


Figure: Recent longfin smelt salvage at both facilities (none in the time frame shown). Data through 11/30.

- **Fall Midwater Trawl index:**

- September abundance index=3; October abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Bay Study:**

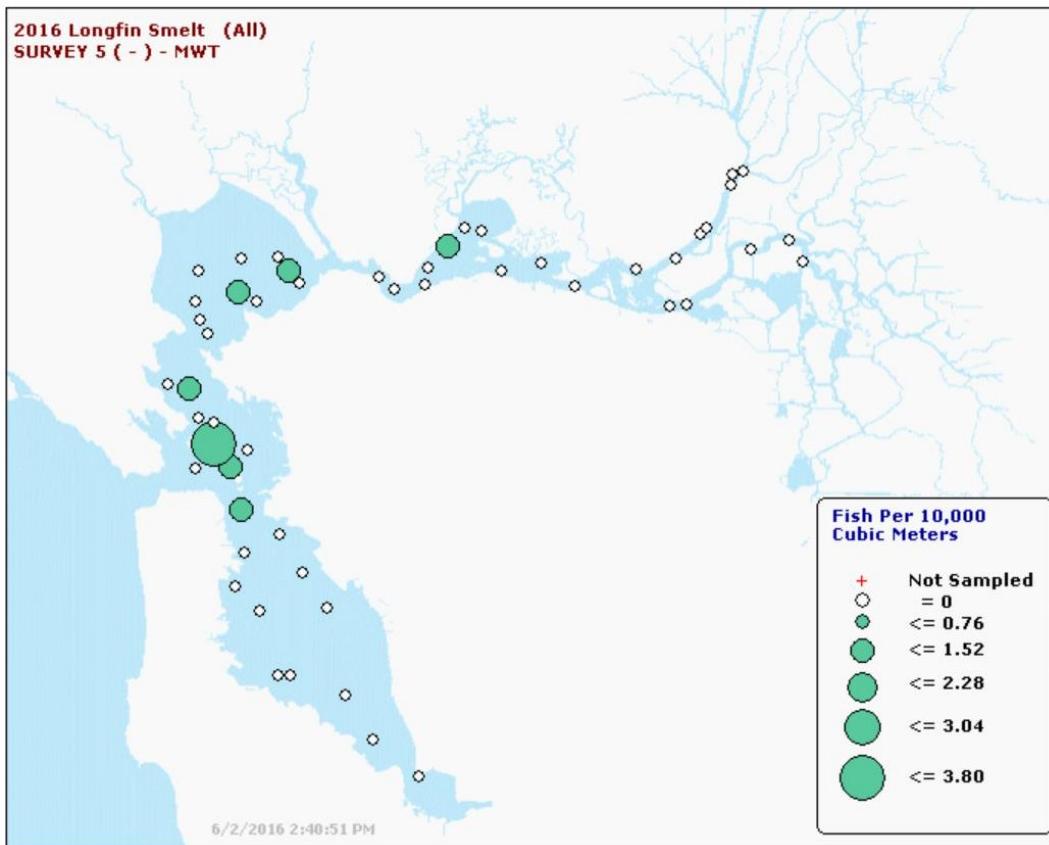


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in Suisun, San Pablo, and San Francisco Bays.

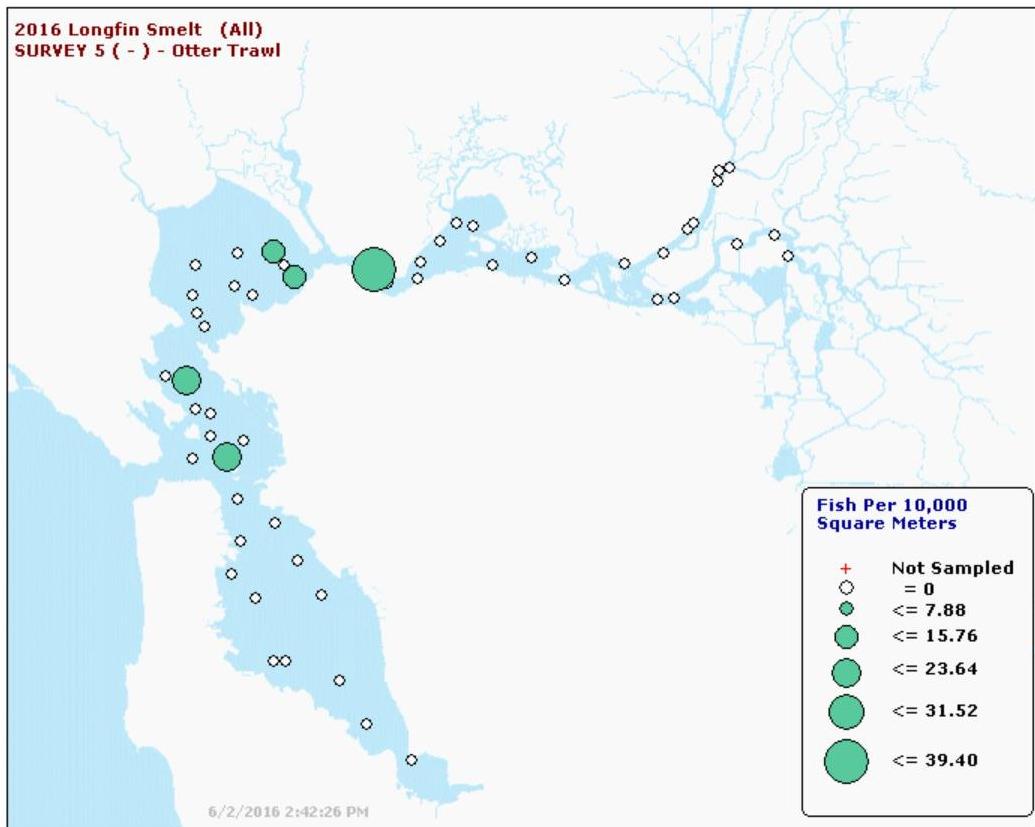


Figure: Monthly otter trawl (demersal/bottom), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in the Carquinez Strait, eastern San Pablo Bay, and San Francisco Bay.

CHINOOK SALMON

- **Salvage:**

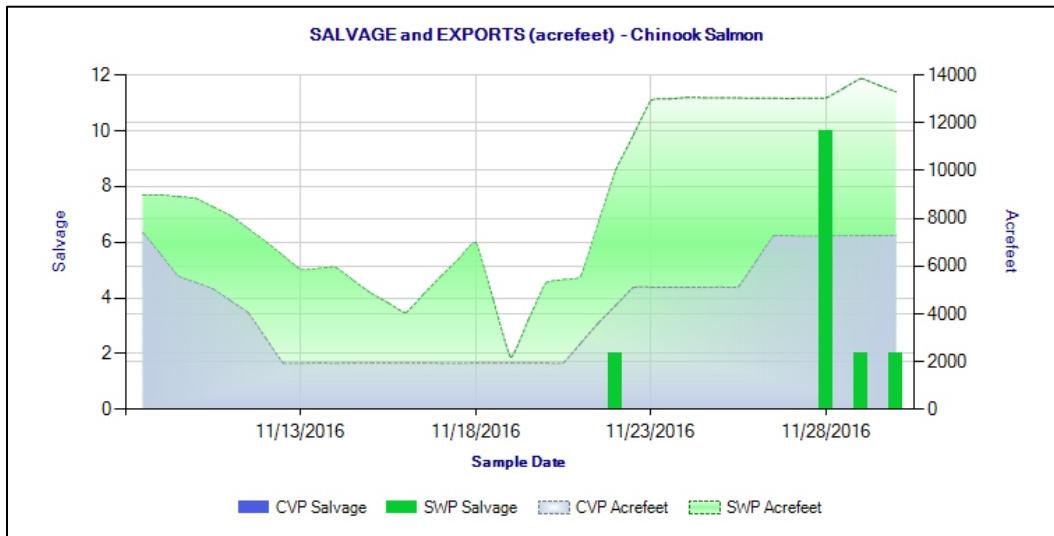


Figure: Recent Chinook salmon salvage at both facilities (all races). Data through 11/30.

	Winter-run cumulative combined loss	Winter-run concern level for WY 2017	<u>Winter-run ITL</u> for WY 2017
Non-clipped (as of 11/30)	0	Not yet known	
Clipped (hatchery fish not yet released)	n/a	Not yet known	

Coleman NFH Late-fall-run surrogate group	Released spring-run surrogates	Cumulative combined loss	Spring-run surrogate concern level WY 2017 (0.5%)	<u>Spring-run surrogate ITL</u> WY 2017 (1%)
No releases yet this water year	n/a	n/a	n/a	n/a

- **DOSS estimates of fish distribution:** (“11/29/16 DOSS update for DAT” email, B. Byrne, 11/29)
 - Wild young-of-year Winter-run: 60–75% yet to enter Delta, 25–40% in Delta, 0% exited Delta.

STEELHEAD

- Salvage:

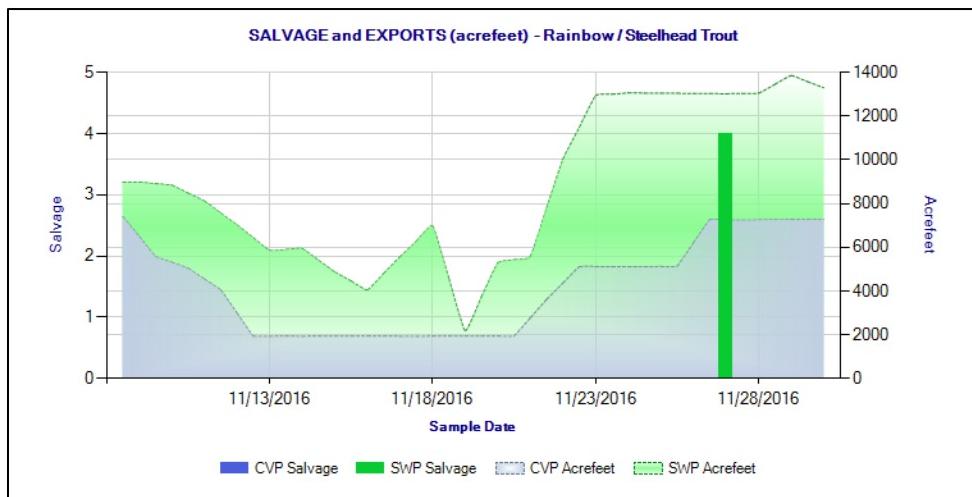
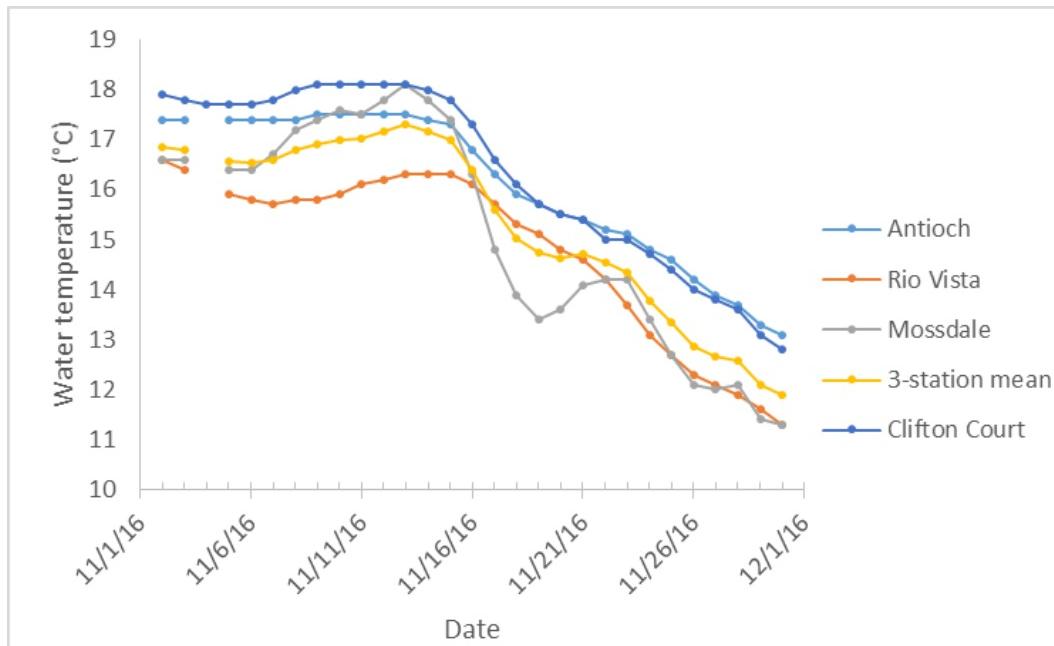


Figure: Recent steelhead salvage at both facilities (clipped and non-clipped). Non-clipped steelhead salvage date was 11/27 (SWP). Data through 11/30.

	Cumulative combined salvage for WY 2017 as of 11/30/16	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	4	1,500	3,000

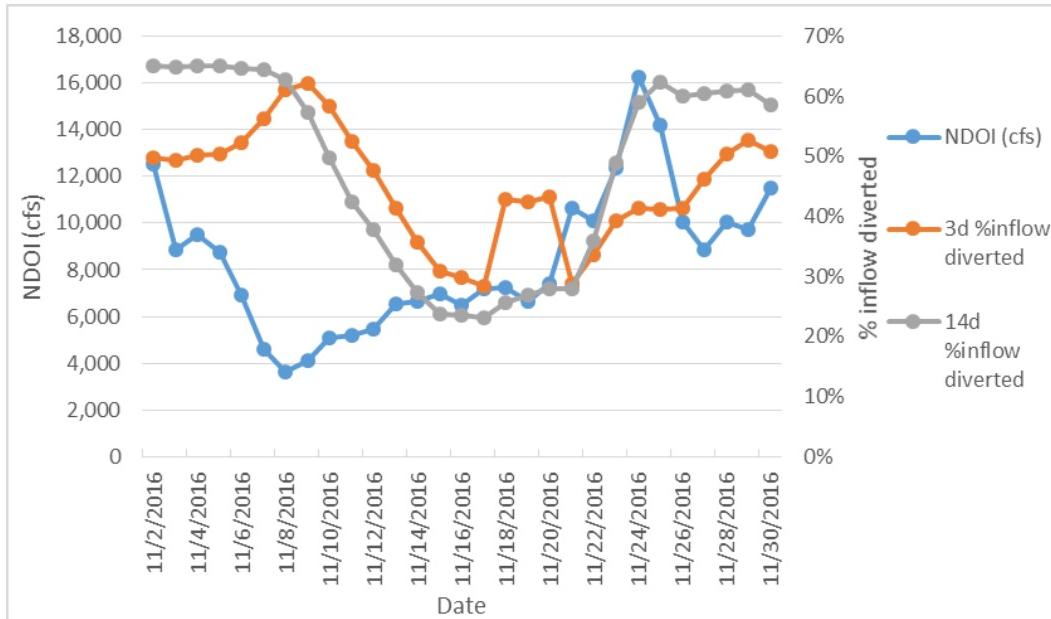
PHYSICAL CONDITIONS

- Currently controlling operations: Available capacity.
- Location of X2, 12/1: >81 km (east of Collinsville).
- DCC status, 12/1: Closure planned for 9am on 12/1, and will remain closed until further notice. Closure due to RPA action IV.1.2 (see regulatory section).
- Turbidity (at sites in delta smelt BiOp)
 - Three-day mean Prisoner's Point: 5.4 NTU on 11/30
 - Three-day mean Holland Cut: 1.6 NTU on 11/30
 - Three-day mean Victoria Canal: 2.3 NTU on 11/30
- South Delta temporary barriers update: November 18 (Email from M. Abioui, DWR, 11/18)
 - Fall Head of Old River Barrier was breached on 11/11; removal is expected to be complete by next week.
 - Old River at Tracy barrier was breached on 10/20, culverts and frames were removed the week of 10/24, and rocks are still being removed.
 - Middle River barrier was breached 11/18 and removal work will continue next week.
 - Grant Line Canal barrier was breached on 10/28 and removal was completed on 11/17.
- Water Supply Index (WSI) forecast: May 1 forecast date (Water Supply Index (WSI) Forecast email, Andrew Reising, DWR, 5/9/16—last update for WY 2016)
 - 50% exceedance for Sacramento River Unimpaired Runoff WY forecast: 18.6 MAF (102% of average)
 - Forecasted 50% exceedance for Sacramento Valley Index is 7.1 (Below Normal).
 - Forecasted 75% exceedance for San Joaquin Valley Index is 2.4 (Dry).
- Temperature



- Delta outflow index as of 12/1: ~11,500 cfs

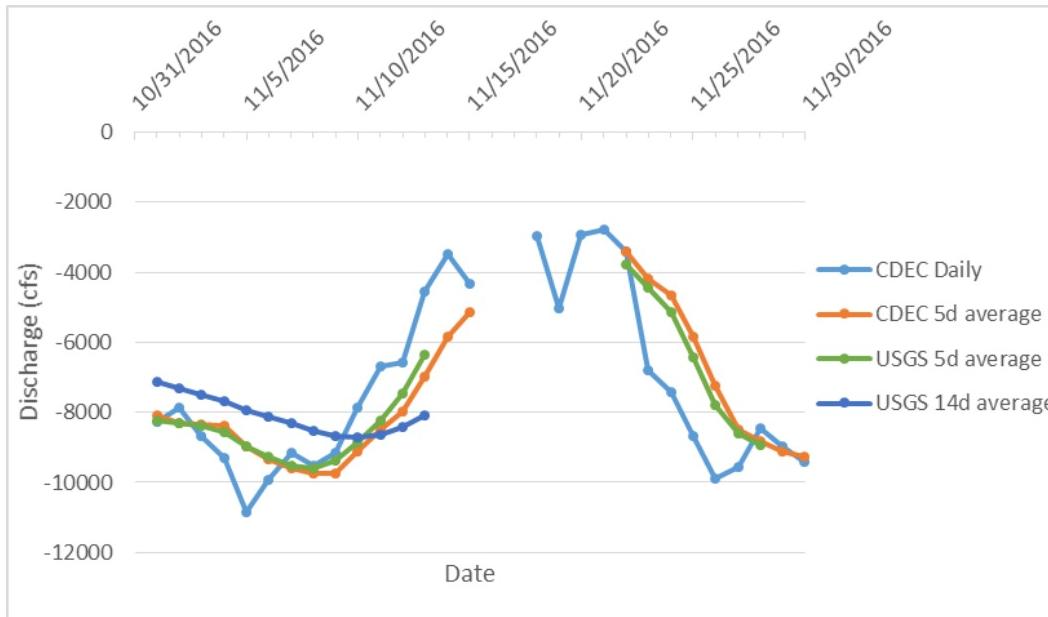
- November–December monthly outflow requirement is 4,500 cfs, with a 7-day average not less than 3,500 cfs. November status as of 11/30 is 8,620 cfs and 11,522 cfs, respectively.
- Total Delta inflow as of 12/1: ~22,115 cfs
 - Sacramento flow: 20,005 cfs
 - San Joaquin flow: 961 cfs
 - % inflow diverted (14-day average): 57.2%.
 - For % inflow diverted, July–January standard is 65%.



- Exports:
 - 12/1 scheduled exports: 6,680 cfs Clifton Court inflow; 4,100 cfs Jones/Tracy PP.



- Tidally-filtered OMR:



REGULATORY

- Delta smelt

- See below for relevant RPA:

2008 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
Action 1: Adult migration and entrainment (first flush) (RPA Component 1)	A	Dec. 1 - Dec. 20	Smelt Working Group may recommend a start date for the Action to the Service, based on conditions.		"Limit exports so that the average daily OMR flow is no more negative than -2000 cfs for a total duration of 14 days, with a 5-day running average no more negative than 2,500 cfs (within 25 percent)" (p. 329). SWG can recommend delayed start or interruption based on conditions affecting entrainment vulnerability.
	B	After Dec. 20	(1) Three-day average turbidity at Prisoner's Point, Holland Cut, and Victoria Canal are each > 12 NTU. (2) Three days of DS salvage at either facility. (3) Cumulative daily salvage \geq 1/2 prior year FMWT value.		
	Offramp	.	(1) Water temp reaches 12°C based on three-station daily mean at Mossdale, Antioch, Rio Vista. (2) Onset of spawning (presence spent females in SKT, Banks, or Jones).		Action 3 triggered, unless Service decides Action 2 should be implemented instead.

- Longfin smelt

- See below for relevant RPA:

2009 Longfin smelt ITP Condition	Trigger stage	Trigger month	Trigger	WY 2017 information	Regulation
5.1 (OMR flow)	.	Dec. - Feb.	(1) Cumulative salvage index (=cumulative combined salvage/FMWT index) >5 OR (2) Review of abundance and distribution survey data and other biological factors affecting entrainment risk of adults indicates OMR flow advice warranted.	No longfin smelt salvage as of 11/30.	SWG provides OMR flow advice to WOMT and Director of DFG weekly. Condition not likely to occur in many years. Would not trigger or would cease if Sacramento at Rio Vista > 55,000 cfs or San Joaquin at Vernalis > 8,000 cfs; retriggered at 40,000 and 5,000 cfs, respectively.
			Spawning detected.		Condition 5.2 begins.

- Salmonids

- See below for relevant RPAs:

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
IV.1.1 (Monitoring and alerts to trigger changes in DCC operations)	"First alert"	Oct. - Apr.	(1) Mean daily flow >95 cfs in Mill or Deer Creek OR (2) Starting in Oct., an increase in tributary flow of >50% over levels immediately preceding flow spike--> indicates cues for emigration initiation.	Alert tripped most recently on all days of the week preceding 11/29 (11/29/16 DOSS update for DAT email)	Either criterion can trigger the alert. Alert signals that gate operations might need alteration in near future to avoid diverting outmigrating Chinook.
	"Second alert"	.	(1) Water temp < 13.5°C at Knights Landing AND (2) Flows greater than 7,500 cfs at Wilkins Slough--> associated with recovering emigrating Chinook at Knights Landing.	Tripped on all days of the week preceding 11/29 (11/29/16 DOSS update for DAT email)	Alert triggered when both second alert criteria met.
IV.1.2 (DCC gate operations)	N/A	Dec. 1-14	1) If D-1641 WQ criteria met, DCC gates closed (unless NMFS approves Chinook experiment). 2) If WQ criteria are not met but both KLCI and SCI are <3 fish/d, DCC may be opened until WQ criteria met, then DCC will close within 24 hrs. 3) If WQ criteria are not met but either KLCI or SCI >3 fish/d, DOSS makes recommendation to NMFS and WOMT per Action IV.5 procedures (2011 amendment, Endl. 2 (p. 63)).	Gates close today (12/1)	Gates closed, dependent on triggers.
		Dec. 15-Jan. 31	Gates may be opened for up to 5 days for NMFS-approved experiment, or for one-time event between Dec. 15-Jan. 5 when needed to maintain WQ in response to high tide coupled with low inflow.		Gates closed, dependent on triggers.
		Feb. - May 20	N/A		Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Nov. - Dec.	Catch index > 10 fish/d from either Knights Landing or Sacramento Catch Index.	Not triggered over the week preceding 11/29 (11/29/16 DOSS update for DAT email)	In conjunction with two DCC-closure triggers (Action IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta.
	.		(1) Daily SWP/CVP older juvenile loss density > 8 fish/TAF. (2) Daily loss > 95 fish/d. (3) CNFH CWT late fall-run Chinook or LSNFH CWT winter-run cumulative loss > 0.5%.	Not triggered, as of 11/30.	When any trigger criterion met, reduce exports to combined 6,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.
	.		(1) Daily SWP/CVP older juvenile loss density > 15 fish/TAF. (2) Daily loss > 120 fish/d. (3) CNFH CWT LFR or LSNFH CWT WNT cumulative loss > 0.5%.	Not triggered, as of 11/30.	When any trigger criterion met, reduce exports to combined 4,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.

From: Johnny Amaral
Sent: Wednesday, November 30, 2016 3:11 PM
To: David Bernhardt; Tom Birmingham
Subject: do we have an opinion of this man?

Cliff Young. President of the West Valley Water District. Former San Bernardino County Supervisor.

<http://ca-westvalleywaterdistrict.civicplus.com/directory.aspx?EID=11>

From: Johnny Amaral
Sent: Wednesday, November 30, 2016 10:24 AM
To: Bernhardt, David L.
Subject: Re: Conf call

[866.246.9512;](#)
[243586742](#)

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

On Nov 30, 2016, at 9:24 AM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

I must have called the wrong number

David Bernhardt

On Nov 30, 2016, at 12:23 PM, Johnny Amaral <jamaral@westlandswater.org>
wrote:

You calling in?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

On Nov 30, 2016, at 9:13 AM, Bernhardt, David L.
<DBernhardt@BHFS.com> wrote:

Yes

David Bernhardt

On Nov 30, 2016, at 12:08 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:

That's fine. It wont even take that long. Can we use the Monday morning conf call line?

-----Original Message-----

From: Bernhardt, David L.
[<mailto:DBernhardt@BHFS.com>]
Sent: Wednesday, November 30, 2016 9:07 AM
To: 'Johnny Amaral'
Subject: RE: Conf call

I would have 15 minutes.

-----Original Message-----

From: Johnny Amaral
[<mailto:jamaral@westlandswater.org>]
Sent: Wednesday, November 30, 2016 12:04 PM
To: Bernhardt, David L.
Subject: Conf call

Do you have time to do a call with me and Anthony Ratekin from Nunes office. Maybe around 9:15 PST?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

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> Westlands Water District

>
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>>> Deputy General Manager - External Affairs Westlands Water District

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>>

From: Johnny Amaral
Sent: Wednesday, November 30, 2016 10:14 AM
To: 'Bernhardt, David L.'
Subject: RE: Conf call

The call will be from 9:20-9:30 PST. Use the Monday morning call in number

-----Original Message-----

From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
Sent: Wednesday, November 30, 2016 9:07 AM
To: 'Johnny Amaral'
Subject: RE: Conf call

I would have 15 minutes.

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David Bernhardt

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From: Johnny Amaral
Sent: Wednesday, November 30, 2016 10:10 AM
To: 'Bernhardt, David L.'
Subject: RE: Conf call

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To: 'Johnny Amaral'
Subject: RE: Conf call

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From: Johnny Amaral
Sent: Wednesday, November 30, 2016 10:03 AM
To: David L. Bernhardt
Subject: Conf call

Do you have time to do a call with me and Anthony Ratekin from Nunes office. Maybe around 9:15 PST?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

From: Johnny Amaral
Sent: Monday, November 28, 2016 6:27 PM
To: Khachigian, Kenneth
CC: Bernhardt, David L.
Subject: Re: Departure Date on Hotel Reservation

Sorry I won't be there Ken. I would love to be able to catch up with you. Hopefully very very soon!!

Make sure to take good care of my guys

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

On Nov 28, 2016, at 5:13 PM, Khachigian, Kenneth <KKhachigian@bhfs.com> wrote:

I already took care of this a couple of weeks ago....I'll be sure they're properly received. You're missing a good party.

KK

<image001.png>

Kenneth L. Khachigian
Senior Partner

Brownstein Hyatt Farber Schreck, LLP
300 So. El Camino Real, Suite 203
San Clemente, CA 92672

949.498.3879 tel
949.498.6197 facsimile

kkhachigian@bhfs.com
Web Site: www.bhfs.com

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From: Johnny Amaral <jamaral@westlandswater.org>
Date: Monday, November 28, 2016 at 5:01 PM
To: Kenneth Khachigian <KKhachigian@bhfs.com>, "Bernhardt, David L." <DBernhardt@BHFS.com>
Subject: Fwd: Departure Date on Hotel Reservation

Gentlemen,

Is your firm having a reception at the acwa conference this week? If so, can you make sure that Gary and Todd are on the guest list? As an FYI, I will not be attending the conference as I have too much

happening here in the valley to be away for three days.

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

Begin forwarded message:

From: Karen Clark <kclark@westlandswater.org>
Date: November 28, 2016 at 4:45:13 PM PST
To: Johnny Amaral <jamaral@westlandswater.org>
Subject: FW: Departure Date on Hotel Reservation

Hi J,

See below. I don't know what this is about. Do you?

~Karen
Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Gary Esajian [<mailto:gesajian@westlandswater.org>]
Sent: Monday, November 28, 2016 4:23 PM
To: Karen Clark
Subject: Re: Departure Date on Hotel Reservation

Karen: for the Brownstein event tomorrow can you rsvp for Todd and I please. Gary

Sent from my iPhone

On Nov 28, 2016, at 2:04 PM, Karen Clark <kclark@westlandswater.org> wrote:

Hi Gary and Todd,

Just wanted to let you know that I contacted the hotel by phone and changed your departure dates for the ACWA Conference/Marriott to December 1. Let me know if you need anything else.

Thanks!

~Karen
Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District

P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

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From: Khachigian, Kenneth
Sent: Monday, November 28, 2016 6:13 PM
To: Johnny Amaral; Bernhardt, David L.
Subject: Re: Departure Date on Hotel Reservation

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KK



Kenneth L. Khachigian

Senior Partner

Brownstein Hyatt Farber Schreck, LLP
300 So. El Camino Real, Suite 203
San Clemente, CA 92672

949.498.3879 tel
949.498.6197 facsimile

kkhachigian@bhfs.com

Web Site: www.bhfs.com

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Subject: Fwd: Departure Date on Hotel Reservation

Gentlemen,

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Best,

Johnny Amaral
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Westlands Water District

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From: Karen Clark <kclark@westlandswater.org>
Date: November 28, 2016 at 4:45:13 PM PST

To: Johnny Amaral <jamaral@westlandswater.org>
Subject: FW: Departure Date on Hotel Reservation

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See below. I don't know what this is about. Do you?

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Gary Esajian [<mailto:gesajian@westlandswater.org>]

Sent: Monday, November 28, 2016 4:23 PM

To: Karen Clark

Subject: Re: Departure Date on Hotel Reservation

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From: Karen Clark <kclark@westlandswater.org>
Date: November 28, 2016 at 4:45:13 PM PST
To: Johnny Amaral <jamaral@westlandswater.org>
Subject: FW: Departure Date on Hotel Reservation

Hi J,

See below. I don't know what this is about. Do you?

~Karen
Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Gary Esajian [<mailto:gesajian@westlandswater.org>]
Sent: Monday, November 28, 2016 4:23 PM
To: Karen Clark
Subject: Re: Departure Date on Hotel Reservation

Karen: for the Brownstein event tomorrow can you rsvp for Todd and I please. Gary

Sent from my iPhone

On Nov 28, 2016, at 2:04 PM, Karen Clark <kclark@westlandswater.org> wrote:

Hi Gary and Todd,

Just wanted to let you know that I contacted the hotel by phone and changed your departure dates for the ACWA Conference/Marriott to December 1. Let me know if you need anything else.

Thanks!

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Tom Birmingham
Sent: Monday, November 28, 2016 4:47 PM
To: Johnny Amaral
CC: David Bernhardt
Subject: Re: do we have an opinion about Randy Fiorini?

Yes, Randy is a good guy.

Sent from my iPhone

On Nov 28, 2016, at 3:30 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:

From: Johnny Amaral

Sent: Monday, November 28, 2016 4:31 PM

To: Tom Birmingham; David Bernhardt

Subject: do we have an opinion about Randy Fiorini?

From: Johnny Amaral

Sent: Friday, November 25, 2016 3:17 PM

To: Bernhardt, David L.; Birmingham Tom; Dpope@westlandswater.org; Gayle Holman; Jose Gutierrez; Michael Burns; cjensen@ka-pow.com; dcardoza@foley.com; drehberg@mercuryllc.com; emanning@ka-pow.com

Subject: Email issues

Team,

I just realized I'm having some email issues with my Westlands email account. I have not received any emails since yesterday morning. If you need to reach me, either call my cell phone, email me at this account, or text me.

From: Johnny Amaral
Sent: Wednesday, November 23, 2016 11:32 AM
To: Bernhardt, David L.
Subject: Re: I'm on

Thanks

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Nov 23, 2016, at 10:32 AM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

>
>
>
> David Bernhardt

>
>
>

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From: Bernhardt, David L.
Sent: Wednesday, November 23, 2016 11:32 AM
To: Johnny Amaral
Subject: I'm on

David Bernhardt

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From: Bernhardt, David L.
Sent: Monday, November 21, 2016 5:40 PM
To: Johnny Amaral
Subject: Re: Who is Doug demenech?

Ok.

Sent from my iPhone

> On Nov 21, 2016, at 7:37 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:
>
>
> OK. Remind me to talk to you about an email I got from an old hill friend of mine a little bit ago
>
> Best,
>
> Johnny Amaral
> Deputy General Manager - External Affairs
> Westlands Water District
>
>
>> On Nov 21, 2016, at 4:29 PM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:
>>
>> My closest friend. Deputy Chief of staff at interior and Head of natural resources after that. I recommended him to lead the landing team weeks ago.
>>
>> Sent from my iPhone
>>
>>> On Nov 21, 2016, at 7:26 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:
>>>
>>>
>>>
>>>
>>> Best,
>>>
>>> Johnny Amaral
>>> Deputy General Manager - External Affairs
>>> Westlands Water District
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From: Johnny Amaral
Sent: Monday, November 21, 2016 5:38 PM
To: Bernhardt, David L.
Subject: Re: Who is Doug demenech?

OK. Remind me to talk to you about an email I got from an old hill friend of mine a little bit ago

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

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From: Bernhardt, David L.
Sent: Monday, November 21, 2016 5:28 PM
To: Johnny Amaral
Subject: Re: Who is Doug demenech?

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Sent from my iPhone

> On Nov 21, 2016, at 7:26 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:

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> Johnny Amaral

> Deputy General Manager - External Affairs

> Westlands Water District

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From: Johnny Amaral
Sent: Monday, November 21, 2016 5:26 PM
To: David L. Bernhardt
Subject: Who is Doug demenech?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

From: Jason Peltier
Sent: Sunday, November 20, 2016 9:58 AM
To: Ara Azhderian; Jon Rubin; Johnny Amaral; Dennis Cardoza; David Bernhardt; Ed Manning; Carolyn Jensen
Subject: In California, a Bastion of Red Waits for Trump to Nudge This Blue State - The New York Times

http://www.nytimes.com/2016/11/20/us/in-california-a-bastion-of-red-waits-for-trump-to-nudge-this-blue-state.html?_r=0

From: Holly Long

Sent: Friday, November 18, 2016 5:04 PM

To: ara.azhderian@sldmwa.org; Carolyn Jensen; Chris White; David Bernhardt; Dennis Cardoza; Frances Brewster (FBrewster@valleywater.org); Frances Mizuno; Jason Nishijima; Jason Peltier (jason.peltier@sldmwa.org); Jon Rubin (Jon.Rubin@sldmwa.org); Judy Bendix; O'Hanlon, Daniel; pwilliams@westlandswater.org; sfong@sfcwa.org; Sheila Greene (sgreene@westlandswater.org); Steve Chedester; Tom Boardman (tboardman@apex.net)

Subject: Delta conditions report

Attachments: 2016-11-18-DeltaConditionsReport.docx

Hi everyone,

The Delta conditions report is attached.

Thank you,

Holly

Holly Long

Mosaic Associates

1690 San Pablo Avenue, Suite D

Pinole, CA 94564

holly@mosaicassociates.net

510.964.0394 office

510.964.0396 fax

[REDACTED] cell

DELTA CONDITIONS REPORT, NOVEMBER 18, 2016

Holly Long, SLDMWA

EXECUTIVE SUMMARY

- Operational constraint: Salinity management.
 - X2 today is >81 km (east of Collinsville).
 - Scheduled combined exports today are 3,500 cfs.
 - Outflow index today is ~7,300 cfs.
 - Tuesday's CDEC OMR values were -4,335 cfs (daily), -5,121 cfs (5-day), -7,711 cfs (14-day).
 - % inflow diverted today is 24.2% (14-day average).
- Salvage and ITLs, WY 2017
 - No salvage for listed species yet this water year (as of 11/17).
- Surveys/monitoring
 - **Delta smelt**, most recent surveys:
 - Fall Midwater Trawl: September and October abundance indices=0 (overall FMWT index is sum of September–December indices).
 - **Longfin smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=3, October abundance index=0 (overall FMWT index is sum of September–December indices).
- Expectations
 - Fall Head of Old River Barrier was breached on 11/11; removal is expected to be complete by next week. Middle River barrier was breached on 11/18 and removal work will continue next week (Weekly update of the Temporary Barriers as of November 18, 2016, M. Abioui, DWR, 11/18).

DELTA CONDITIONS REPORT, NOVEMBER 18, 2016

DELTA SMELT

- **Salvage:**

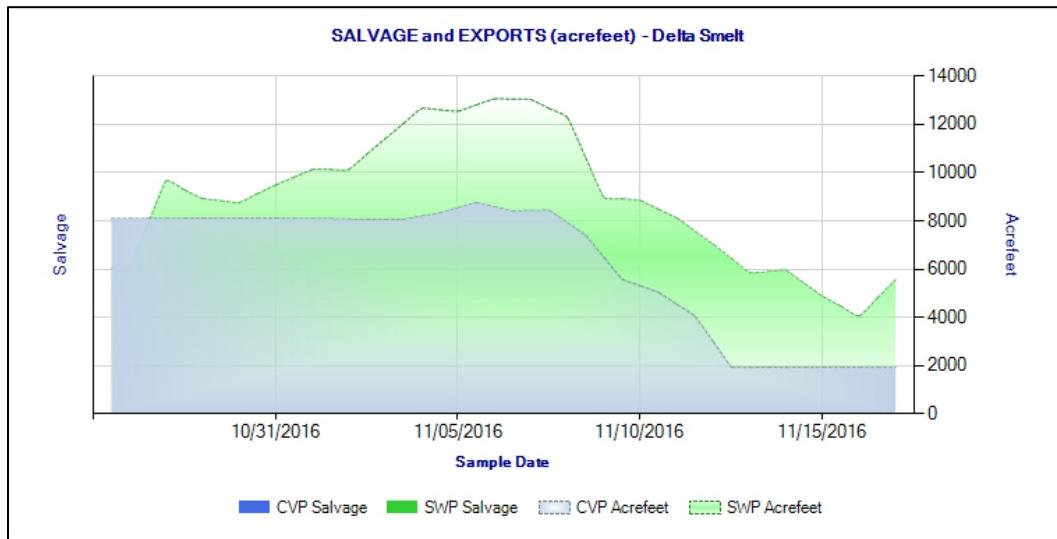


Figure: Recent delta smelt salvage (adults and juveniles) at both facilities (none in time period shown).
Data through 11/17.

	Combined salvage as of 11/17/16	Concern level for WY 2017	ITL for WY 2017
Adult	0	Not yet known	
Juvenile	0	Not yet known	

- **Fall Midwater Trawl index:**

- September abundance index=0; October abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Summer Townet:**
 - The 2016 Summer Townet index for delta smelt was 0.

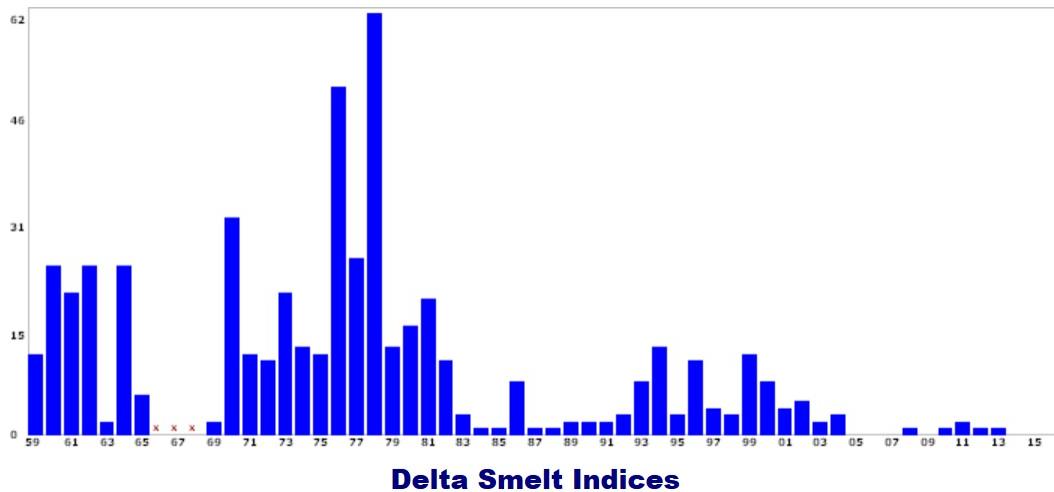


Figure: Summer Townet indices for delta smelt. Graph from <http://www.dfg.ca.gov/delta/data/townet/indices.asp?species=3>.

- **Bay Study:**

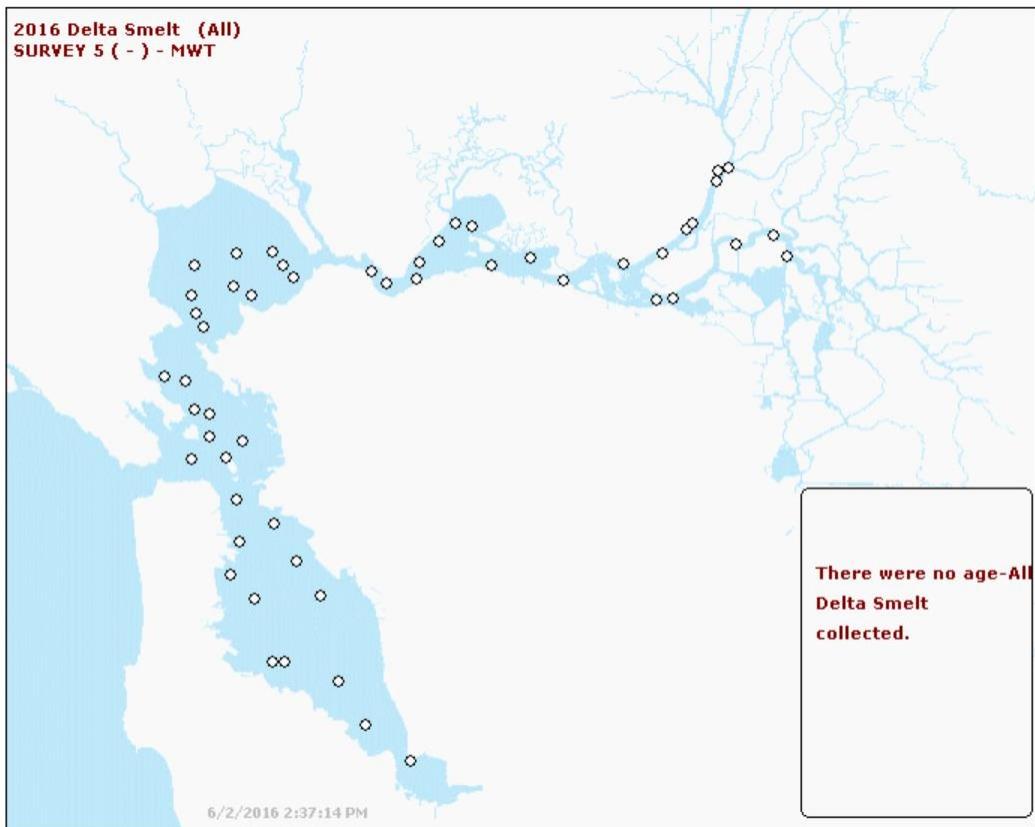


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey available). No delta smelt were caught in May.

LONGFIN SMELT

- **Salvage:**

- No salvage yet this WY (as of 11/17).

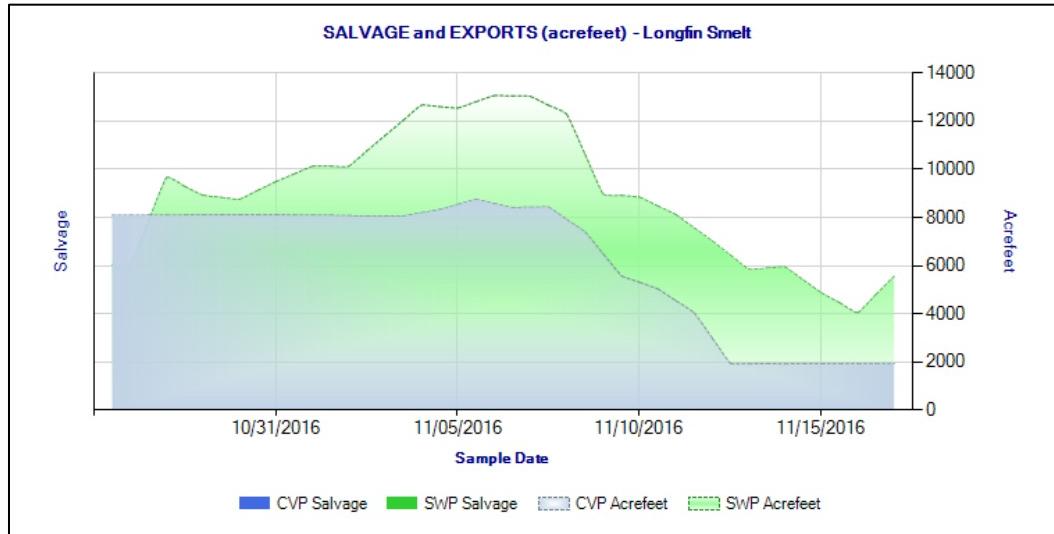


Figure: Recent longfin smelt salvage at both facilities (none in the time frame shown). Data through 11/17.

- **Fall Midwater Trawl index:**

- September abundance index=3; October abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Bay Study:**

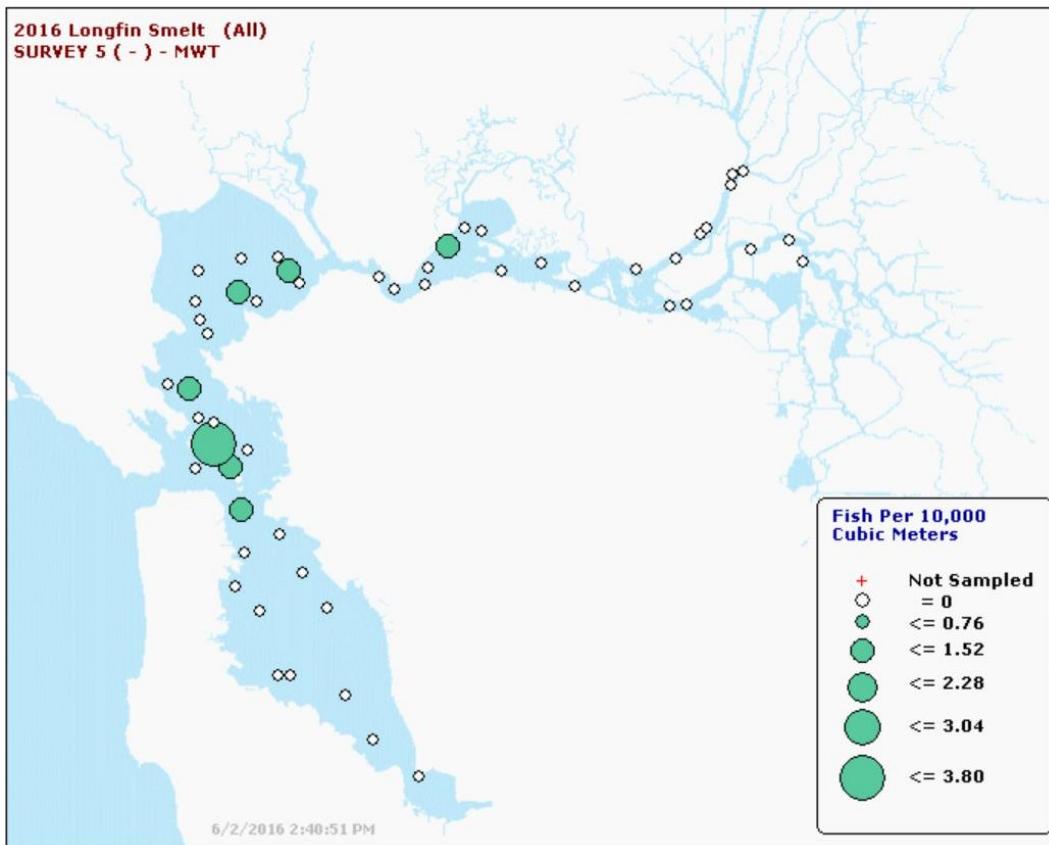


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in Suisun, San Pablo, and San Francisco Bays.

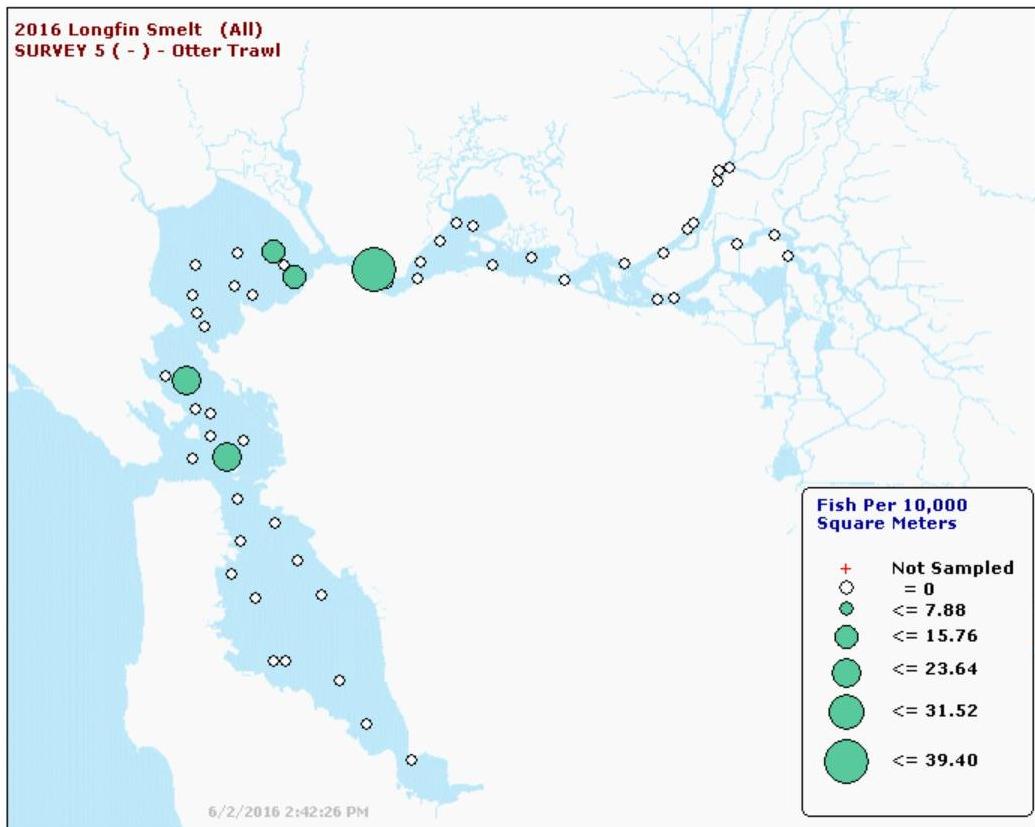


Figure: Monthly otter trawl (demersal/bottom), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in the Carquinez Strait, eastern San Pablo Bay, and San Francisco Bay.

CHINOOK SALMON

- **Salvage:**

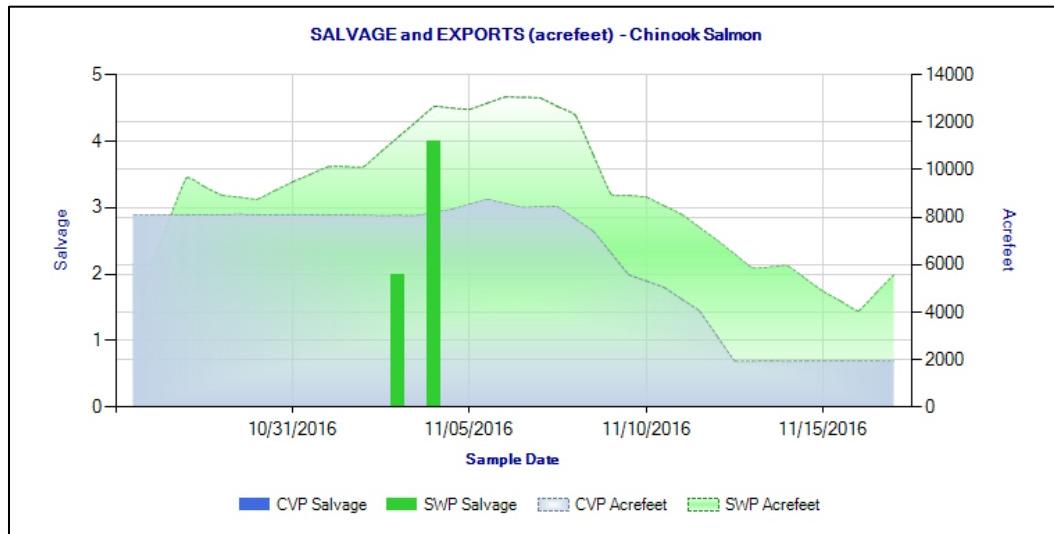


Figure: Recent Chinook salmon salvage at both facilities (all races). Data through 11/17.

	Winter-run cumulative combined loss	Winter-run concern level for WY 2017	<u>Winter-run ITL</u> for WY 2017
Non-clipped (as of 11/17)	0	Not yet known	
Clipped (hatchery fish not yet released)	n/a	Not yet known	

Coleman NFH Late-fall-run surrogate group	Released spring-run surrogates	Cumulative combined loss	Spring-run surrogate concern level WY 2017 (0.5%)	<u>Spring-run surrogate ITL</u> WY 2017 (1%)
No releases yet this water year	n/a	n/a	n/a	n/a

- **DOSS estimates of fish distribution:** (11/15 DOSS call notes)
 - Wild young-of-year Winter-run: 75–85% yet to enter Delta, 15–25% in Delta, 0% exited Delta.

STEELHEAD

- Salvage:

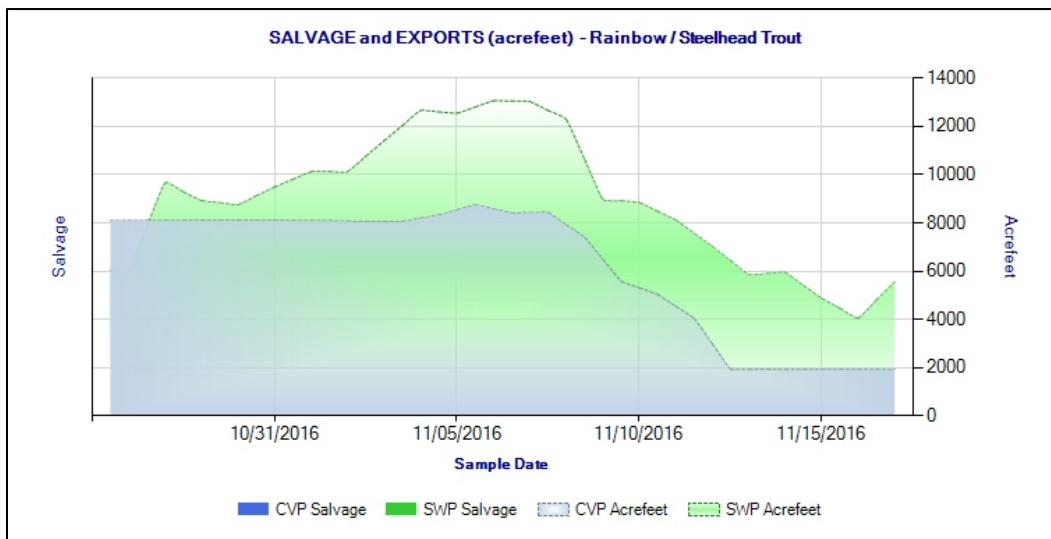
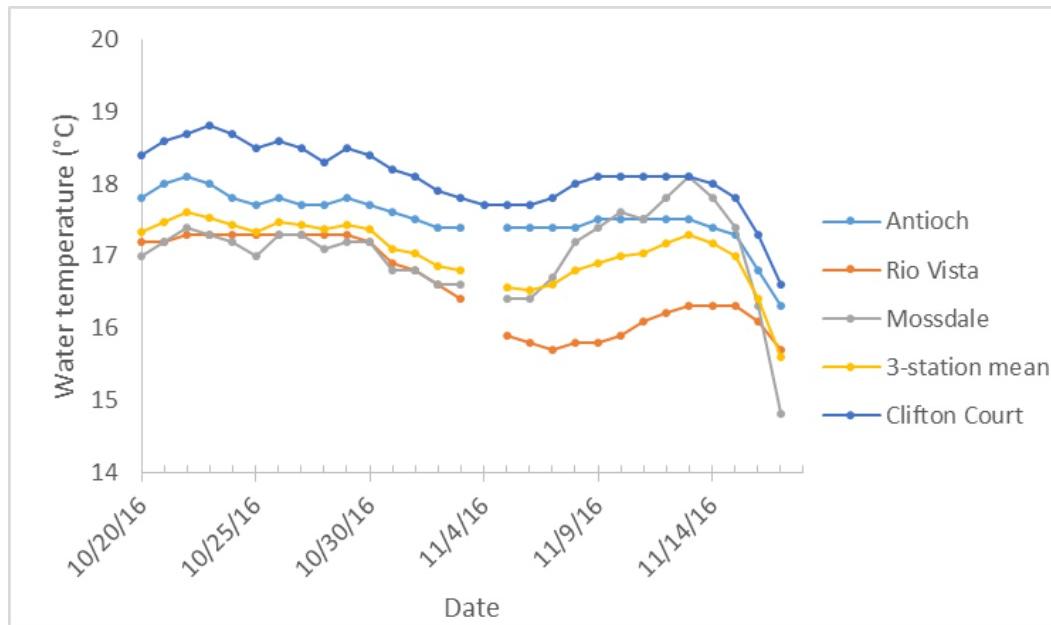


Figure: Recent steelhead salvage at both facilities (clipped and non-clipped; none in time period shown).
Data through 11/17.

	Cumulative combined salvage for WY 2017 as of 11/17/16	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	0	1,500	3,000

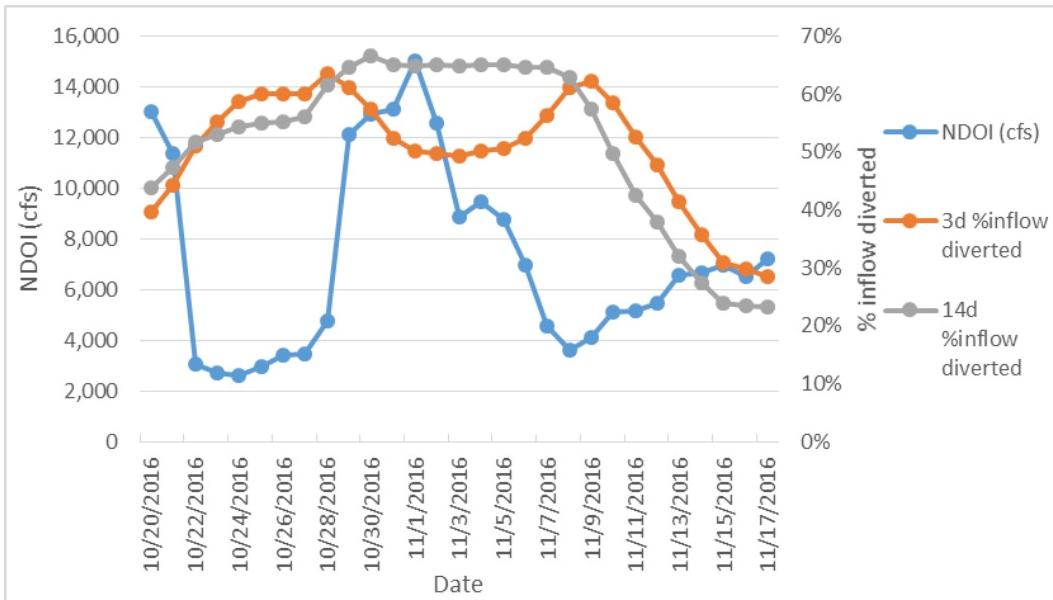
PHYSICAL CONDITIONS

- Currently controlling operations: Salinity management.
- Location of X2, 11/18: >81 km (east of Collinsville).
- DCC status, 11/18: Open. DCC gates closed on 11/12 due to RPA Action IV.1.2 but opened again on 11/15.
- Turbidity (at sites in delta smelt BiOp)
 - Three-day mean Prisoner's Point: 4.2 NTU on 11/17
 - Three-day mean Holland Cut: 1.4 NTU on 11/17
 - Three-day mean Victoria Canal: 2.0 NTU on 11/17
- South Delta temporary barriers update: November 18 (Email from M. Abioui, DWR, 11/18)
 - Fall Head of Old River Barrier was breached on 11/11; removal is expected to be complete by next week.
 - Old River at Tracy barrier was breached on 10/20, culverts and frames were removed the week of 10/24, and rocks are still being removed.
 - Middle River barrier was breached 11/18 and removal work will continue next week.
 - Grant Line Canal barrier was breached on 10/28 and removal was completed on 11/17.
- Water Supply Index (WSI) forecast: May 1 forecast date (Water Supply Index (WSI) Forecast email, Andrew Reising, DWR, 5/9—last update for WY 2016)
 - 50% exceedance for Sacramento River Unimpaired Runoff WY forecast: 18.6 MAF (102% of average)
 - Forecasted 50% exceedance for Sacramento Valley Index is 7.1 (Below Normal).
 - Forecasted 75% exceedance for San Joaquin Valley Index is 2.4 (Dry).
- Temperature



- Delta outflow index as of 11/18: ~7,300 cfs
 - November monthly outflow requirement is 4,500 cfs, with a 7-day average not less than 3,500 cfs. Status as of 11/17 is 7,265 cfs and 6,357 cfs, respectively.

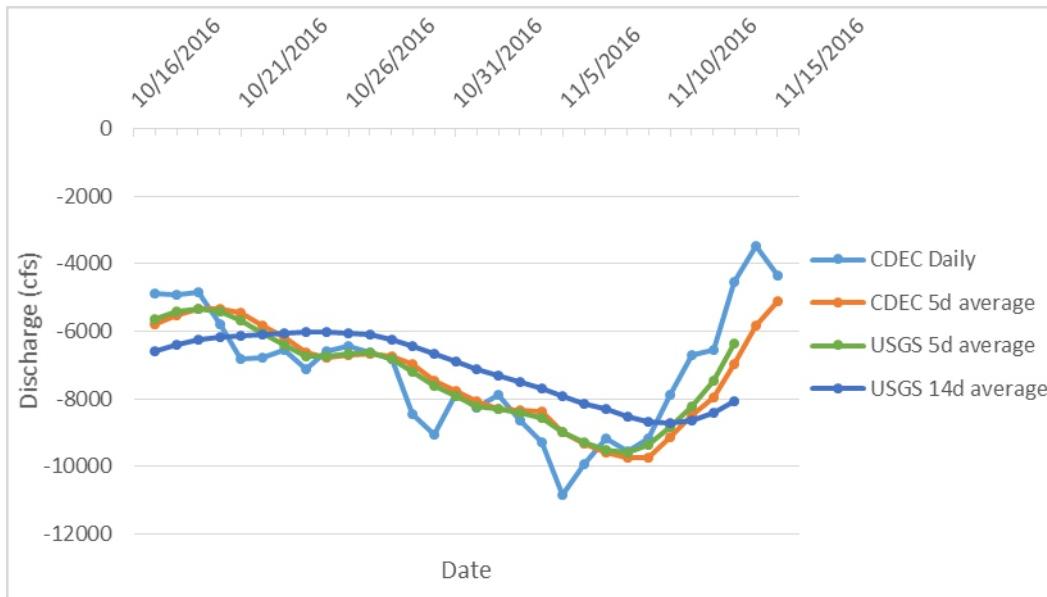
- Total Delta inflow as of 11/18: ~12,599 cfs
 - Sacramento flow: 10,988 cfs
 - San Joaquin flow: 812 cfs
 - % inflow diverted (14-day average): 24.2%.
 - For % inflow diverted, July–January standard is 65%.



- Exports:
 - 11/18 scheduled exports: 2,500 cfs Clifton Court inflow; 1,000 cfs Jones/Tracy PP.



- Tidally-filtered OMR:



REGULATORY

- Delta smelt
 - Current RPAs: n/a.
- Longfin smelt
 - Current RPAs: n/a.
- Salmonids
 - See below for relevant RPAs:

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
IV.1.1 (Monitoring and alerts to trigger changes in DCC operations)	"First alert"	Oct. - Apr.	(1) Mean daily flow >95 cfs in Mill or Deer Creek OR (2) Starting in Oct., an increase in tributary flow of > 50% over levels immediately preceding flow spike--> indicates cues for emigration initiation.	Alert tripped most recently on all days of the week preceding 11/15 (11/15 DOSS call notes)	Either criterion can trigger the alert. Alert signals that gate operations might need alteration in near future to avoid diverting outmigrating Chinook.
	"Second alert"		(1) Water temp < 13.5°C at Knights Landing AND (2) Flows greater than 7,500 cfs at Wilkins Slough--> associated with recovering emigrating Chinook at Knights Landing.	Not triggered in the week preceding 11/15 (11/15 DOSS call notes)	Alert triggered when both second alert criteria met.
IV.1.2 (DCC gate operations)	N/A	Oct. - Nov.	Fish present (criteria based on D1641 WQ standards, Knights Landing Catch Index, and Sacramento Catch Index).	Most recent trigger led to gate closure on 11/12; gates opened 11/15	Gates closed if fish present. See 2011 amend., Encl. 2 (p. 62) for details on triggers.
		Dec. 1-14	1) If D-1641 WQ criteria met, DCC gates closed (unless NMFS approves Chinook experiment). 2) If WQ criteria are not met but both KLCI and SCI are <3 fish/d, DCC may be opened until WQ criteria met, then DCC will close within 24 hrs. 3) If WQ criteria are not met but either KLCI or SCI >3 fish/d, DOSS makes recommendation to NMFS and WOMT per Action IV.5 procedures (2011 amendment, Encl. 2 (p. 63)).		Gates closed, dependent on triggers.
		Dec. 15-Jan. 31	Gates may be opened for up to 5 days for NMFS-approved experiment, or for one-time event between Dec. 15-Jan. 5 when needed to maintain WQ in response to high tide coupled with low inflow.		Gates closed, dependent on triggers.
		Feb. - May 20	N/A		Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	Nov. - Dec.	"Third alert"	Catch index > 10 fish/d from either Knights Landing or Sacramento Catch Index.	Not triggered over the week preceding 11/15 (11/15 DOSS call notes)	In conjunction with two DCC-closure triggers (Action IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta.
			(1) Daily SWP/CVP older juvenile loss density > 8 fish/TAF. (2) Daily loss > 95 fish/d. (3) CNFH CWT late fall-run Chinook or LSNFH CWT winter-run cumulative loss > 0.5%.	Not triggered, as of 11/17.	When any trigger criterion met, reduce exports to combined 6,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.
			(1) Daily SWP/CVP older juvenile loss density > 15 fish/TAF. (2) Daily loss > 120 fish/d. (3) CNFH CWT LFR or LSNFH CWT WNT cumulative loss > 0.5%.	Not triggered, as of 11/17.	When any trigger criterion met, reduce exports to combined 4,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.

From: Karen Clark

Sent: Thursday, November 17, 2016 4:14 PM

To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Ed Manning'; 'Gayle Holman'; Jennifer Walsh; Johnny Amaral; 'Mike Burns'; Sheila Greene

Subject: Cancellation of Call Tomorrow

All,

We will not have a PR/Legislation call tomorrow. Hope everyone has a good weekend.

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Tom Birmingham
Sent: Thursday, November 17, 2016 7:18 AM
To: 'Bernhardt, David L.'
Subject: Google Alert - San Luis Delta Mendota Water Authority

From: Google Alerts <googlealerts-noreply@google.com>
Date: November 16, 2016 at 11:01:13 PM EST
To: ModerateVictory@gmail.com
Subject: Google Alert - San Luis Delta Mendota Water Authority

Google Alerts

San Luis Delta Mendota Water Authority

Daily update · November 17, 2016

NEWS

From the Delta to the Desert: Trump's Interior Pick Bad News for California Water
KCET
Bernhardt is no stranger to internal Interior Department politics. ...
both Westlands and the **San Luis & Delta Mendota Water Authority** to argue that ...

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From: Johnny Amaral
Sent: Tuesday, November 15, 2016 7:06 PM
To: Bernhardt, David L.
Subject: Re: What time can you meet tomorrow morning?

9 am at the hotel?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Nov 15, 2016, at 9:04 PM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

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> I have a 10, so I need to meet before that
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> Sent from my iPhone

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>> Deputy General Manager - External Affairs
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To: Johnny Amaral
Subject: Re: What time can you meet tomorrow morning?

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From: Johnny Amaral
Sent: Tuesday, November 15, 2016 7:02 PM
To: David L. Bernhardt
Subject: What time can you meet tomorrow morning?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

From: Patterson,Roger K
Sent: Tuesday, November 15, 2016 4:17 PM
To: Joe Raeder
CC: Johnny Amaral; Brent Walthall; Dan Vink; Jason R. Phillips; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Steve Chedester; Jeff Sutton; Jason Peltier; Alexandra Biering; David Bernhardt; Dennis Cardoza; Nancy E Williams; Hiltscher,Brad L; Lorren Walker; Sara Tucker; Mitch Butler; Dennis Nuxoll; Barrio, Virginia N
Subject: Re: Wednesday night dinner 7:30

Thx Joe. I'll be there.

On Nov 15, 2016, at 1:49 PM, Joe Raeder <JRaeder@tfgnet.com> wrote:

Wednesday, 7:30 p.m.
Capital Grille
601 Penn. Ave. N.W.
Reservation is under RAEDER for the "Rotunda Room."

If you or your DC Rep has not already RSVP'd, please do so. We need a head count.

From: Joe Raeder
Sent: Monday, November 14, 2016 5:09 PM
To: Johnny Amaral; rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham; 'Shelley Ostrowski'; Steve Chedester; Jeff Sutton; Jason Peltier
Cc: David Bernhardt; Dennis Cardoza; 'Nancy E Williams'; Hiltscher,Brad L
Subject: Wednesday night dinner?

I'm testing interest in having a group dinner Wednesday after the Members meeting in the Capitol to debrief and scheme over food and drink. If we get a critical mass, I'll set it up.

Joe

Joe Raeder
The Ferguson Group, LLC
1130 Connecticut Avenue, N.W., Suite 300
Washington, D.C. 20036
(202) 331-8500 Office
(202) [REDACTED] Cell
(202) 331-1598 Fax
jraeder@tfgnet.com

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From: Steve Chedester
Sent: Tuesday, November 15, 2016 2:23 PM
To: Joe Raeder
CC: Johnny Amaral; rpatterson@mwdh2o.com; Brent Walthall; Dan Vink; Jason R. Phillips; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Jeff Sutton; Jason Peltier; Alexandra Biering; David Bernhardt; Dennis Cardoza; Nancy E Williams; Hiltscher, Brad L; Lorren Walker; Sara Tucker; Mitch Butler; Dennis Nuxoll
Subject: Re: Wednesday night dinner 7:30

That is great, thanks for setting it up!

Steve

Sent from my iPad

On Nov 15, 2016, at 1:49 PM, Joe Raeder <jraeder@tfgnet.com> wrote:

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Reservation is under RAEDER for the "Rotunda Room."

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Cc: David Bernhardt; Dennis Cardoza; 'Nancy E Williams'; Hiltscher, Brad L
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From: Johnny Amaral
Sent: Tuesday, November 15, 2016 12:15 PM
To: Bernhardt, David L.
Subject: Re: Dinner tonight

No worries

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Nov 15, 2016, at 2:14 PM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

>
> Later than 6.

>
> -----Original Message-----

> From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]

> Sent: Tuesday, November 15, 2016 2:12 PM

> To: Bernhardt, David L.
> Subject: Re: Dinner tonight

>
>
> Can you come after?

>
> Best,

>
> Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

>> On Nov 15, 2016, at 2:11 PM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

>>
>> I'll be at Bezdeck's.

>>
>> -----Original Message-----

>> From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]

>> Sent: Tuesday, November 15, 2016 2:09 PM

>> To: Thomas Birmingham; Shelley Ostrowski; Bernhardt, David L.
>> Subject: Dinner tonight

>>
>>
>> Has been moved to 6 PM at the capital Grille

>>
>> Best,

>>
>> Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

>>
>>
>>
>>
>> STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have

received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

>

From: Bernhardt, David L.
Sent: Tuesday, November 15, 2016 12:14 PM
To: 'Johnny Amaral'
Subject: RE: Dinner tonight

Yes, but I will be late.

-----Original Message-----

From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]
Sent: Tuesday, November 15, 2016 2:12 PM
To: Bernhardt, David L.
Subject: Re: Dinner tonight

Can you come after?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

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>
> -----Original Message-----

> From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]
> Sent: Tuesday, November 15, 2016 2:09 PM
> To: Thomas Birmingham; Shelley Ostrowski; Bernhardt, David L.
> Subject: Dinner tonight

>
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> Has been moved to 6 PM at the capital Grille

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> Best,

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> Johnny Amaral
> Deputy General Manager - External Affairs
> Westlands Water District

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From: Johnny Amaral
Sent: Tuesday, November 15, 2016 12:12 PM
To: Bernhardt, David L.
Subject: Re: Dinner tonight

Can you come after?

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Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

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> -----Original Message-----

> From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]
> Sent: Tuesday, November 15, 2016 2:09 PM
> To: Thomas Birmingham; Shelley Ostrowski; Bernhardt, David L.
> Subject: Dinner tonight

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From: Bernhardt, David L.
Sent: Tuesday, November 15, 2016 12:11 PM
To: 'Johnny Amaral'
Subject: RE: Dinner tonight

I'll be at Bezdeck's.

-----Original Message-----

From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]
Sent: Tuesday, November 15, 2016 2:09 PM
To: Thomas Birmingham; Shelley Ostrowski; Bernhardt, David L.
Subject: Dinner tonight

Has been moved to 6 PM at the capital Grille

Best,

Johnny Amaral
Deputy General Manager - External Affairs
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From: Johnny Amaral
Sent: Tuesday, November 15, 2016 12:09 PM
To: Thomas Birmingham; Shelley Ostrowski; David L. Bernhardt
Subject: Dinner tonight

Has been moved to 6 PM at the capital Grille

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

From: Joe Raeder
Sent: Tuesday, November 15, 2016 11:49 AM
To: 'Johnny Amaral'; 'rpatterson@mwdh2o.com'; 'Brent Walthall'; 'Dan Vink'; 'Jason R. Phillips'; 'dorth@davidorthconsulting.com'; 'Tom Birmingham'; 'Shelley Ostrowski'; 'Steve Chedester'; 'Jeff Sutton'; 'Jason Peltier'; Alexandra Biering
CC: 'David Bernhardt'; 'Dennis Cardoza'; 'Nancy E Williams'; 'Hiltscher,Brad L'; 'Lorren Walker'; Sara Tucker; Mitch Butler; Dennis Nuxoll
Subject: Wednesday night dinner 7:30

Importance: High

Wednesday, 7:30 p.m.
Capital Grille
601 Penn. Ave. N.W.
Reservation is under RAEDER for the "Rotunda Room."

If you or your DC Rep has not already RSVP'd, please do so. We need a head count.

From: Joe Raeder
Sent: Monday, November 14, 2016 5:09 PM
To: Johnny Amaral; rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; 'dorth@davidorthconsulting.com'; Tom Birmingham; 'Shelley Ostrowski'; Steve Chedester; Jeff Sutton; Jason Peltier
Cc: David Bernhardt; Dennis Cardoza; 'Nancy E Williams'; Hiltscher,Brad L
Subject: Wednesday night dinner?

I'm testing interest in having a group dinner Wednesday after the Members meeting in the Capitol to debrief and scheme over food and drink. If we get a critical mass, I'll set it up.

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(202) 331-1598 Fax
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From: Bernhardt, David L.

Sent: Tuesday, November 15, 2016 5:27 AM

To: 'Philip Williams'

CC: Noles, Holly A.

Subject: Call

Phil: We need to move our call. Tom B. is in town and he has asked me to attend a couple meeting with him this morning. I apologize and will ask Holly to reschedule.

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From: Walthall, Brent
Sent: Monday, November 14, 2016 4:11 PM
To: Joe Raeder; Johnny Amaral; rpatterson@mwdh2o.com; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham; 'Shelley Ostrowski'; Steve Chedester; Jeff Sutton; Jason Peltier
CC: David Bernhardt; Dennis Cardoza; Nancy Williams; Hiltscher,Brad L
Subject: RE: Wednesday night dinner?

Count me in.
Thank you Joe.

From: Joe Raeder [mailto:JRaeder@tfgnet.com]
Sent: Monday, November 14, 2016 2:09 PM
To: Johnny Amaral <jamaral@westlandswater.org>; rpatterson@mwdh2o.com; Walthall, Brent <bwalthall@kcwa.com>; Dan Vink <dvink@svwater.org>; 'Jason R. Phillips' <jphillips@friantwater.org>; dorth@davidorthconsulting.com; Tom Birmingham <tbirmingham@westlandswater.org>; 'Shelley Ostrowski' <sostrowski@westlandswater.org>; Steve Chedester <schedester@sjrecwa.net>; Jeff Sutton <jsutton@tccanal.com>; Jason Peltier <jason.peltier@sldmwa.org>
Cc: David Bernhardt <dbernhardt@bhfs.com>; Dennis Cardoza <dcardoza@foley.com>; Nancy Williams <nwilliams@swaconsult.com>; Hiltscher,Brad L <bhiltscher@mwdh2o.com>
Subject: Wednesday night dinner?

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From: Johnny Amaral
Sent: Monday, November 14, 2016 4:02 PM
To: David Orth
CC: Joe Raeder; rpatterson@mwdh2o.com; Brent Walthall; Dan Vink; Jason R. Phillips; Tom Birmingham; Shelley Ostrowski; Steve Chedester; Jeff Sutton; Jason Peltier; David Bernhardt; Dennis Cardoza; Nancy E Williams; Hiltscher, Brad L
Subject: Re: Wednesday night dinner?

Cmon old timer....Red Bull

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

On Nov 14, 2016, at 5:56 PM, David Orth <dorth@davidorthconsulting.com> wrote:

Assuming I'm still standing. . . yes.

Dave

From: Joe Raeder [<mailto:JRaeder@tfgnet.com>]
Sent: Monday, November 14, 2016 2:09 PM
To: Johnny Amaral <jamaral@westlandswater.org>; rpatterson@mwdh2o.com; 'Brent Walthall' <bwalthall@kcwa.com>; Dan Vink <dvink@svwater.org>; 'Jason R. Phillips' <jphillips@friantwater.org>; dorth@davidorthconsulting.com; Tom Birmingham <tbirmingham@westlandswater.org>; 'Shelley Ostrowski' <sostrowski@westlandswater.org>; Steve Chedester <schedester@sjrecwa.net>; Jeff Sutton <jsutton@tccanal.com>; Jason Peltier <jason.peltier@sldmwa.org>
Cc: David Bernhardt <dbernhardt@bhfs.com>; Dennis Cardoza <dcardoza@foley.com>; 'Nancy E Williams' <nwilliams@swaconsult.com>; Hiltscher, Brad L <bhiltscher@mwdh2o.com>
Subject: Wednesday night dinner?

I'm testing interest in having a group dinner Wednesday after the Members meeting in the Capitol to debrief and scheme over food and drink. If we get a critical mass, I'll set it up.

Joe

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From: David Orth
Sent: Monday, November 14, 2016 3:56 PM
To: 'Joe Raeder'; 'Johnny Amaral'; rpatterson@mwdh2o.com; 'Brent Walthall'; 'Dan Vink'; 'Jason R. Phillips'; 'Tom Birmingham'; 'Shelley Ostrowski'; 'Steve Chedester'; 'Jeff Sutton'; 'Jason Peltier'
CC: 'David Bernhardt'; 'Dennis Cardoza'; 'Nancy E Williams'; 'Hiltscher,Brad L'
Subject: RE: Wednesday night dinner?

Assuming I'm still standing. . . yes.

Dave

From: Joe Raeder [mailto:JRaeder@tfgnet.com]
Sent: Monday, November 14, 2016 2:09 PM
To: Johnny Amaral <jamaral@westlandswater.org>; rpatterson@mwdh2o.com; 'Brent Walthall' <bwalthall@kcwa.com>; Dan Vink <dvink@svwater.org>; 'Jason R. Phillips' <jphillips@friantwater.org>; dorth@davidorthconsulting.com; Tom Birmingham <tbirmingham@westlandswater.org>; 'Shelley Ostrowski' <sostrowski@westlandswater.org>; Steve Chedester <schedester@sjrecwa.net>; Jeff Sutton <jsutton@tccanal.com>; Jason Peltier <jason.peltier@sldmwa.org>
Cc: David Bernhardt <dbernhardt@bhfs.com>; Dennis Cardoza <dcardoza@foley.com>; 'Nancy E Williams' <nwilliams@swaconsult.com>; Hiltscher,Brad L <bhiltscher@mwdh2o.com>
Subject: Wednesday night dinner?

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From: Patterson,Roger K
Sent: Monday, November 14, 2016 3:51 PM
To: Joe Raeder; Johnny Amaral; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham; 'Shelley Ostrowski'; Steve Chedester; Jeff Sutton; Jason Peltier
CC: David Bernhardt; Dennis Cardoza; 'Nancy E Williams'; Hiltscher,Brad L
Subject: RE: Wednesday night dinner?

Sounds good to me. Thanks Joe.

Roger

From: Joe Raeder [mailto:JRaeder@tfgnet.com]
Sent: Monday, November 14, 2016 2:09 PM
To: Johnny Amaral; Patterson,Roger K; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham; 'Shelley Ostrowski'; Steve Chedester; Jeff Sutton; Jason Peltier
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From: Dan Vink
Sent: Monday, November 14, 2016 3:41 PM
To: jsutton@tccanal.com
CC: Joe Raeder; jamaral@westlandswater.org; rpatterson@mwdh2o.com; Brent Walthall; Jason R. Phillips; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Steve Chedester; Jason Peltier; David Bernhardt; Dennis Cardoza; Nancy E Williams; Hiltscher,Brad L; Mitch Butler
Subject: Re: Wednesday night dinner?

Since I was planning on dinner with Sutton and his lobbyist and my lobbyist who are one in the same I guess we are both in too

Dan Vink
Executive Director
South Valley Water Association

dvink@svwater.org



On Nov 14, 2016, at 2:12 PM, jsutton@tccanal.com wrote:

I vote yes on this, and would rsvp for myself and the TCCA lobbyist Mitch Butler.

Sent from my BlackBerry 10 smartphone.

From: Joe Raeder
Sent: Monday, November 14, 2016 2:09 PM
To: Johnny Amaral; rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham; 'Shelley Ostrowski'; Steve Chedester; Jeff Sutton; Jason Peltier
Cc: David Bernhardt; Dennis Cardoza; 'Nancy E Williams'; Hiltscher,Brad L
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From: Steve Chedester
Sent: Monday, November 14, 2016 3:18 PM
To: Joe Raeder; Johnny Amaral; rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham; 'Shelley Ostrowski'; Jeff Sutton; Jason Peltier
CC: David Bernhardt; Dennis Cardoza; 'Nancy E Williams'; Hiltscher,Brad L
Subject: RE: Wednesday night dinner?

I am available

From: Joe Raeder [mailto:JRaeder@tfgnet.com]
Sent: Monday, November 14, 2016 2:09 PM
To: Johnny Amaral <jamaral@westlandswater.org>; rpatterson@mwdh2o.com; 'Brent Walthall' <bwalthall@kcwa.com>; Dan Vink <dvink@svwater.org>; 'Jason R. Phillips' <jphillips@friantwater.org>; dorth@davidorthconsulting.com; Tom Birmingham <tbirmingham@westlandswater.org>; 'Shelley Ostrowski' <sostrowski@westlandswater.org>; Steve Chedester <stevechedester@sjrecwa.net>; Jeff Sutton <jsutton@tccanal.com>; Jason Peltier <jason.peltier@sldmwa.org>
Cc: David Bernhardt <dbernhardt@bhfs.com>; Dennis Cardoza <dcardoza@foley.com>; 'Nancy E Williams' <nwilliams@swaconsult.com>; Hiltscher,Brad L <bhiltscher@mwdh2o.com>
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From: jsutton@tccanal.com
Sent: Monday, November 14, 2016 3:13 PM
To: Joe Raeder; Johnny Amaral; rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham; 'Shelley Ostrowski'; Steve Chedester; Jason Peltier
CC: David Bernhardt; Dennis Cardoza; 'Nancy E Williams'; Hiltscher,Brad L; Mitch Butler
Subject: Re: Wednesday night dinner?

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Sent from my BlackBerry 10 smartphone.

From: Joe Raeder
Sent: Monday, November 14, 2016 2:09 PM
To: Johnny Amaral; rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham; 'Shelley Ostrowski'; Steve Chedester; Jeff Sutton; Jason Peltier
Cc: David Bernhardt; Dennis Cardoza; 'Nancy E Williams'; Hiltscher,Brad L
Subject: Wednesday night dinner?

Ib m testing interest in having a group dinner Wednesday after the Members meeting in the Capitol to debrief and scheme over food and drink. If we get a critical mass, Ib ll set it up.

Joe

Joe Raeder
The Ferguson Group, LLC
1130 Connecticut Avenue, N.W., Suite 300
Washington, D.C. 20036
(202) 331-8500 Office
(202) [REDACTED] Cell
(202) 331-1598 Fax
jraeder@tfgnet.com

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[Not spam](#)
[Forget previous vote](#)

From: Joe Raeder
Sent: Monday, November 14, 2016 3:09 PM
To: Johnny Amaral; rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham; 'Shelley Ostrowski'; Steve Chedester; Jeff Sutton; Jason Peltier
CC: David Bernhardt; Dennis Cardoza; 'Nancy E Williams'; Hiltscher, Brad L
Subject: Wednesday night dinner?

I'm testing interest in having a group dinner Wednesday after the Members meeting in the Capitol to debrief and scheme over food and drink. If we get a critical mass, I'll set it up.

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[Forget previous vote](#)

From: Johnny Amaral

Sent: Monday, November 14, 2016 6:58 AM

To: Dennis Cardoza; David L. Bernhardt; Catherine Karen; Ryan A. 'Smith; Denny Rehberg

Subject: I'm flying to DC

Won't be able to make the call this morning. See you all Tuesday morning for breakfast

Best,

Johnny Amaral

Deputy General Manager - External Affairs

Westlands Water District

From: Bernhardt, David L.
Sent: Sunday, November 13, 2016 6:16 PM
To: Johnny Amaral
Subject: Re: Dinner with Kiel weaver Monday night

How about oceaniarre?

David Bernhardt

> On Nov 13, 2016, at 7:59 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:

>

>

> Can you have someone from your staff make a reservation for Monday night at 7 PM.

>

> Anywhere in DC is fine except cap Grille or delfriscos.

>

> Make it for 7 PM and a party of six

>

> Best,

>

> Johnny Amaral

> Deputy General Manager - External Affairs

> Westlands Water District

>

>

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From: Johnny Amaral
Sent: Sunday, November 13, 2016 2:38 PM
To: Bernhardt, David L.
Subject: Re: You Noe know the COS on a first name basis

Awesome

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Nov 13, 2016, at 1:36 PM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

>
>
>
> David Bernhardt

>
>
>
> STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

From: Bernhardt, David L.
Sent: Sunday, November 13, 2016 2:36 PM
To: Johnny Amaral
Subject: You Noe know the COS on a first name basis

David Bernhardt

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

From: Johnny Amaral
Sent: Sunday, November 13, 2016 8:25 AM
To: Bernhardt, David L.
Subject: Re: Call

Just left you a voicemail

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Nov 13, 2016, at 5:59 AM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

>
> Please call me today 201 [REDACTED]

>
> David Bernhardt
>
>
>

> STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

From: Bernhardt, David L.
Sent: Sunday, November 13, 2016 6:59 AM
To: Johnny Amaral
Subject: Call

Please call me today 201 [REDACTED]

David Bernhardt

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

From: Bernhardt, David L.
Sent: Sunday, November 13, 2016 6:59 AM
To: Johnny Amaral
Subject: Call

Please call me today 201 [REDACTED]

David Bernhardt

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

From: Nancy Williams
Sent: Friday, November 11, 2016 4:48 PM
To: 'Johnny Amaral'; rpatterson@mwdh2o.com; 'Brent Walthall'; 'Dan Vink'; 'Jason R. Phillips'; dorth@davidorthconsulting.com; 'Tom Birmingham'; 'Shelley Ostrowski'; 'Steve Chedester'; 'Jeff Sutton'; 'Jason Peltier'
CC: 'David Bernhardt'; 'Dennis Cardoza'; 'Joe Raeder'; 'Hiltscher,Brad L'
Subject: RE: DC next week

To all –

The office of Schramm, Williams & Associates is at 512 C St., NE. We are on the NORTH side of Stanton Park, which is between 4th and 6th Streets., NE. It is an easy walk from the Union Station side of the Hart Bldg. – just walk east on C St. 2 blocks, you come to Stanton Park, walk around the left or north side of the Park (this is C St.), and our townhouse-office is 3 doors from the corner of 6th St. NE and Maryland Ave. NE. It is a double townhouse and painted in a light grey-green color; an American flag hangs on the front of the building, at the 2nd floor level. (Our neighbor's building is a noticeable yellow color.)

My cell phone is 202 [REDACTED] if you need any further information. If you come by taxi, be sure to tell the driver you want to go to 512 C St. NORTHEAST on the NORTH side of Stanton Park – since C St. runs on both the north and south sides of the Park.

We look forward to seeing everyone at noon next Wednesday.

Nancy Williams

From: Johnny Amaral [mailto:jamaral@westlandswater.org]
Sent: Thursday, November 10, 2016 1:47 PM
To: rpatterson@mwdh2o.com; 'Brent Walthall' <bwalhall@kcwa.com>; Dan Vink <dvink@svwater.org>; 'Jason R. Phillips' <jphillips@friantwater.org>; dorth@davidorthconsulting.com; Tom Birmingham <tbirmingham@westlandswater.org>; 'Shelley Ostrowski' <sostrowski@westlandswater.org>; Steve Chedester <schedester@sjrecwa.net>; Jeff Sutton <jsutton@tccanal.com>; Jason Peltier <jason.peltier@sldmwa.org>
Cc: David Bernhardt <dbernhardt@bhfs.com>; Dennis Cardoza <dcardoza@foley.com>; 'Joe Raeder' <JRaeder@tfgnet.com>; 'Nancy E Williams' <nwilliams@swaconsult.com>; Hiltscher, Brad L <bhiltscher@mwdh2o.com>
Subject: RE: DC next week

Gang,

I'm emailing to check your availability to have a conference call to discuss the new lay of the land given the new developments this week. I've had several conversations with House members and Congressional staff since Tuesday, and I'm sure many of you have as well. Needless to say, there are a lot of ideas and thoughts being kicked around among the delegation.

I think we need to put our heads together to map out our strategy for next Wednesdays meeting and to share information we've received from our individual discussions with them. We need to prepare to respond to comments and questions that will certainly come from Members and staff at the meeting on Wednesday, and being on the same page ahead of time is paramount.

Please let me know if you are available for a call around 2pm on Friday afternoon.

Once the call gets scheduled, I will send out call in info.

Johnny

From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]

Sent: Tuesday, November 8, 2016 8:43 AM

To: rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink (dvink@swwater.org); 'Jason R. Phillips';

dorth@davidorthconsulting.com; Tom Birmingham (tbirmingham@westlandswater.org); 'Shelley Ostrowski'; Steve Chedester (schedester@sjrecwa.net); Jeff Sutton (jsutton

Cc: David Bernhardt; Dennis Cardoza; 'Joe Raeder'; 'Nancy E Williams'; Hiltscher,Brad L (bhiltscher@mwdh2o.com)

Subject: DC next week

Gang,

I had dinner last night with Phillips and Chedester in Sacramento and we briefly discussed scheduling items for next week. Aside from the 5pm meeting on Wednesday in Leader McCarthys office, things are a bit fluid.

But, we discussed having a pre-planning meeting before the big show in Kevins office. So, given that Orth is arriving on the red eye at 7 am on Wednesday, lets meet for the pre planning meeting in the Longworth Cafeteria at 12:30 on Wednesday. Please make sure to keep that time frame clear.

After today, we can work on plugging in any other meetings that need to be scheduled. As some of you know, there are a few irons on the fire that we expect to work out in the next 48 hours, including meetings both the House and Senate side.

Stay tuned....as soon as I know anything, I will share it immediately. And if you can, please share with the people on this email any questions, comments, info, or input you have about next weeks trip.

Johnny

From: Holly Long

Sent: Thursday, November 10, 2016 4:36 PM

To: ara.azhderian@sldmwa.org; Carolyn Jensen; Chris White; David Bernhardt; Dennis Cardoza; Frances Brewster (FBrewster@valleywater.org); Frances Mizuno; Jason Nishijima; Jason Peltier (jason.peltier@sldmwa.org); Jon Rubin (Jon.Rubin@sldmwa.org); Judy Bendix; O'Hanlon, Daniel; pwilliams@westlandswater.org; sfong@sfcwa.org; Sheila Greene (sgreene@westlandswater.org); Steve Chedester; Tom Boardman (tboardman@apex.net)

Subject: Delta conditions report

Attachments: 2016-11-10-DeltaConditionsReport.docx

Hi everyone,

The Delta conditions report is attached.

Thank you,

Holly

Holly Long

Mosaic Associates

1690 San Pablo Avenue, Suite D

Pinole, CA 94564

holly@mosaicassociates.net

510.964.0394 office

510.964.0396 fax

[REDACTED] cell

DELTA CONDITIONS REPORT, NOVEMBER 10, 2016

Holly Long, SLDMWA

EXECUTIVE SUMMARY

- Operational constraint: Salinity management.
 - X2 today is >81 km (east of Collinsville).
 - Scheduled combined exports today are 7,300 cfs.
 - Outflow index today is ~5,100 cfs.
 - Yesterday's CDEC OMR values were -9,166 cfs (daily), -9,729 cfs (5-day), -8,682 cfs (14-day).
 - % inflow diverted today is 49.8% (14-day average).
- Salvage and ITLs, WY 2017
 - No salvage for listed species yet this water year (as of 11/9).
- Surveys/monitoring
 - **Delta smelt**, most recent surveys:
 - Fall Midwater Trawl: September and October abundance indices=0 (overall FMWT index is sum of September–December indices).
 - **Longfin smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=3, October abundance index=0 (overall FMWT index is sum of September–December indices).
- Expectations
 - Fall Head of Old River Barrier currently has all six culverts open and they will stay that way until the barrier is removed. Removal began 11/10 and the breach is scheduled for 11/11. Middle River barrier removal will begin 11/16, with a breach scheduled for 11/17 (Weekly update of the Temporary Barriers as of November 10, 2016, M. Abioli, DWR, 11/10).
 - The first part of Action IV.3 (“third alert”) of the 2009 BiOp for salmonids was triggered on 11/4–11/5 (B. Byrne email “FW: Please forward to the DAT list” via F. Islam to DAT on 11/10). This alert signals that export operations might need to change in the near future due to large numbers of juvenile Chinook migrating into the upper Delta. The other two parts of the Action (based on salvage) have not been triggered.

DELTA CONDITIONS REPORT, NOVEMBER 10, 2016

DELTA SMELT

- **Salvage:**

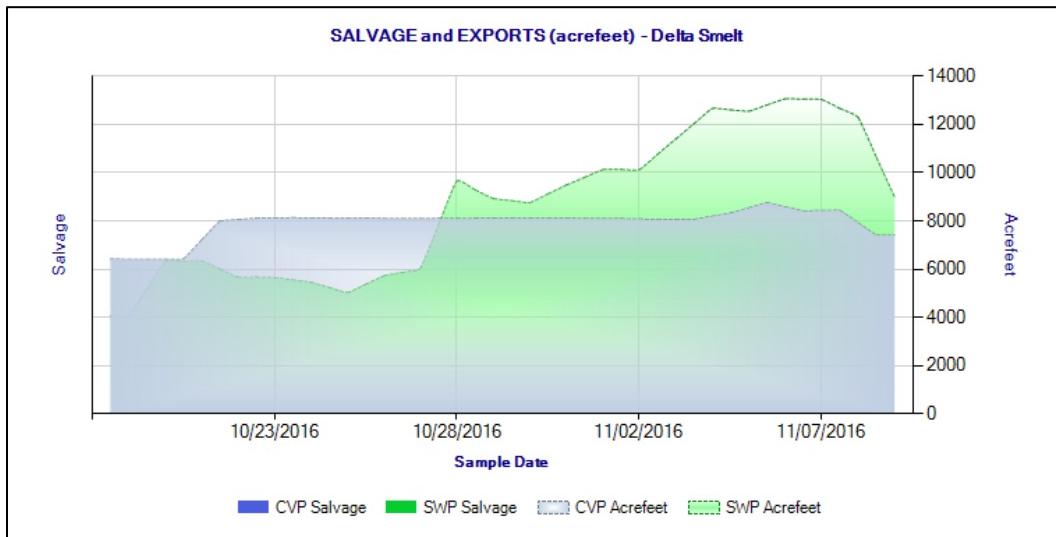


Figure: Recent delta smelt salvage (adults and juveniles) at both facilities (none in time period shown).
Data through 11/9.

	Combined salvage as of 11/9/16	Concern level for WY 2017	ITL for WY 2017
Adult	0	Not yet known	
Juvenile	0	Not yet known	

- **Fall Midwater Trawl index:**

- September abundance index=0; October abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Summer Townet:**
 - The 2016 Summer Townet index for delta smelt was 0.

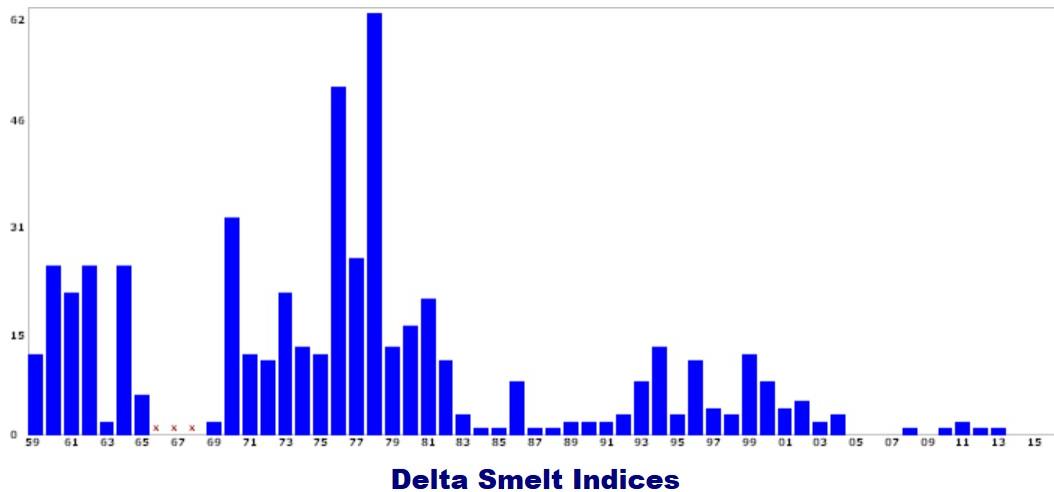


Figure: Summer Townet indices for delta smelt. Graph from <http://www.dfg.ca.gov/delta/data/townet/indices.asp?species=3>.

- **Bay Study:**

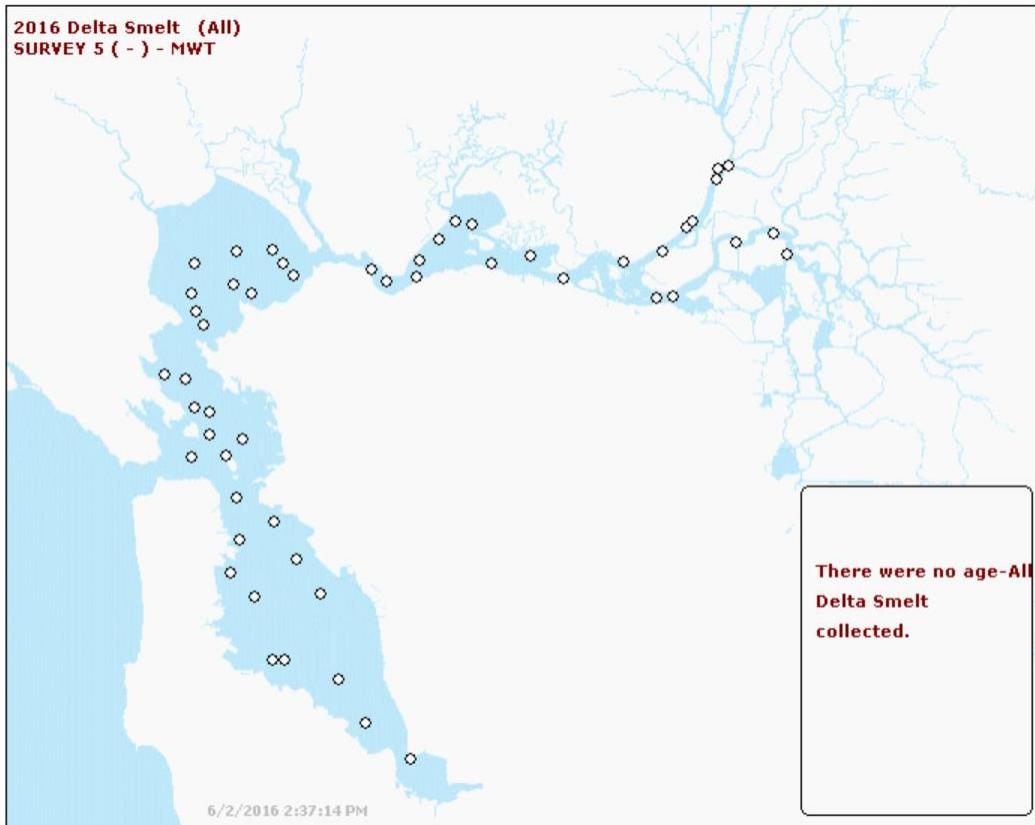


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey available). No delta smelt were caught in May.

LONGFIN SMELT

- **Salvage:**

- No salvage yet this WY (as of 11/9).

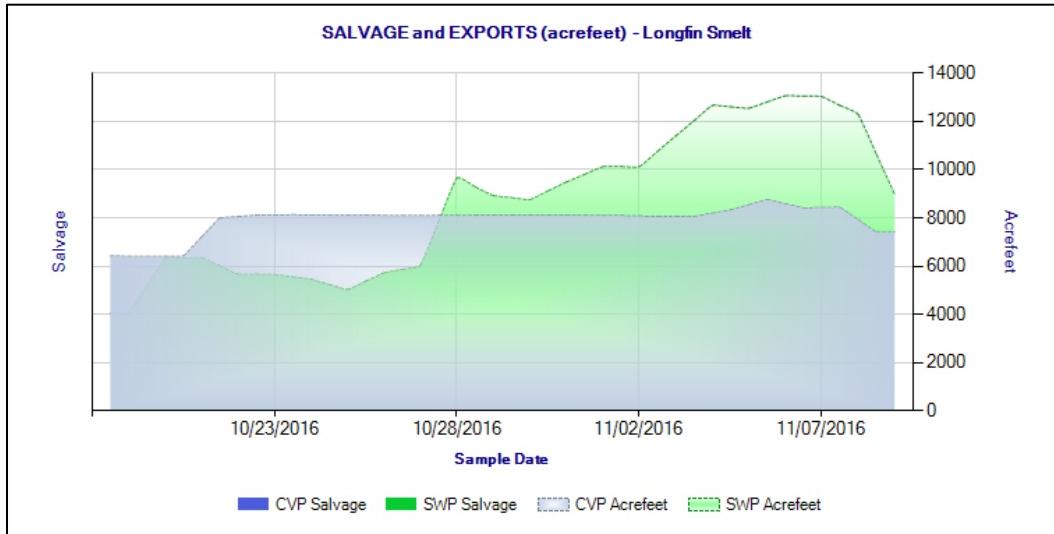


Figure: Recent longfin smelt salvage at both facilities (none in the time frame shown). Data through 11/9.

- **Fall Midwater Trawl index:**

- September abundance index=3; October abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Bay Study:**

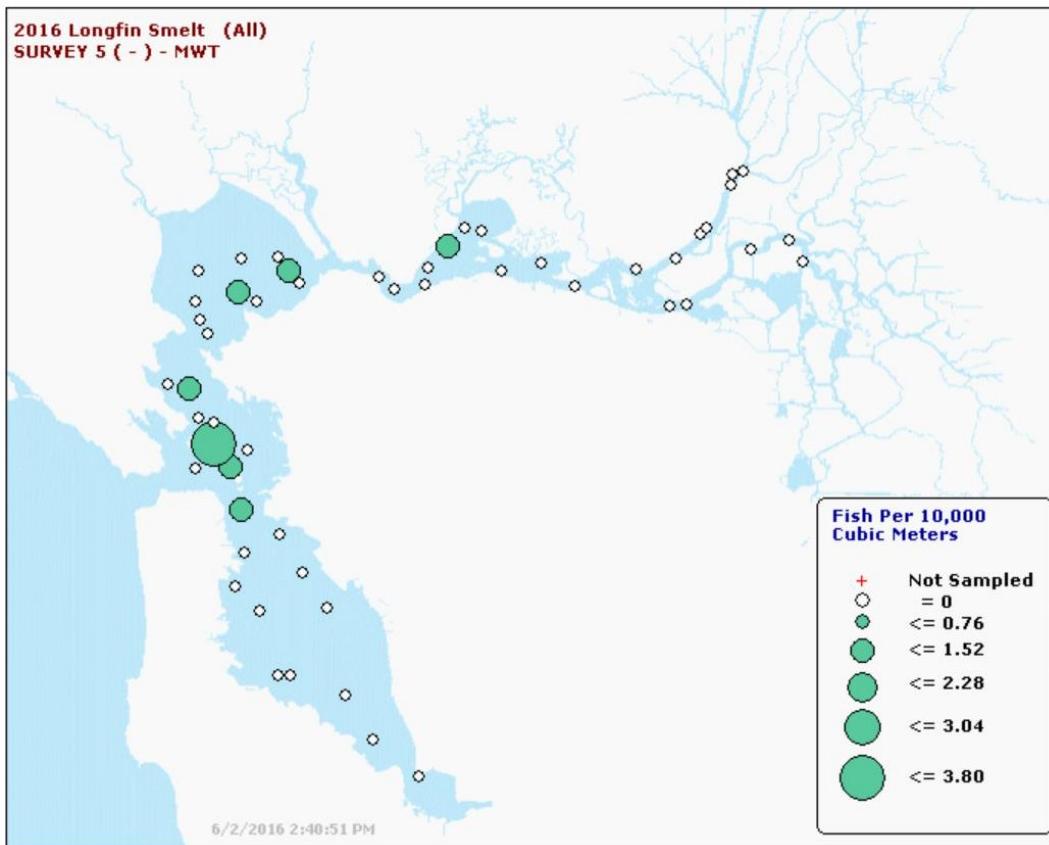


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in Suisun, San Pablo, and San Francisco Bays.

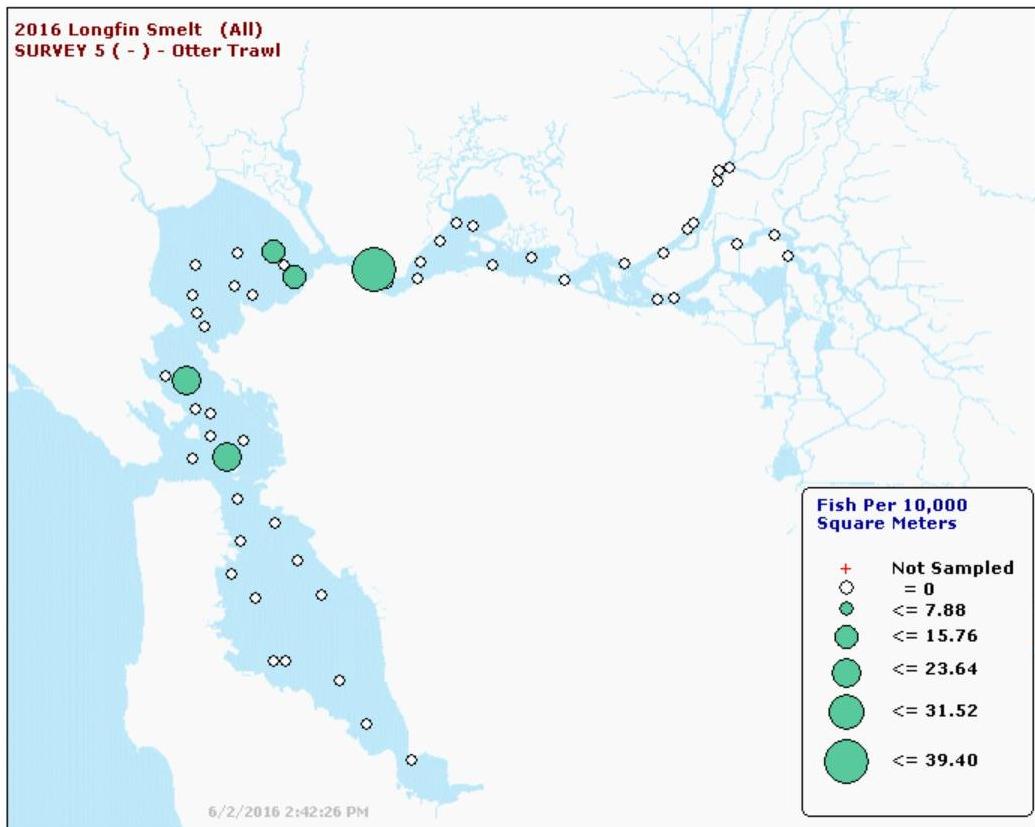


Figure: Monthly otter trawl (demersal/bottom), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in the Carquinez Strait, eastern San Pablo Bay, and San Francisco Bay.

CHINOOK SALMON

- **Salvage:**

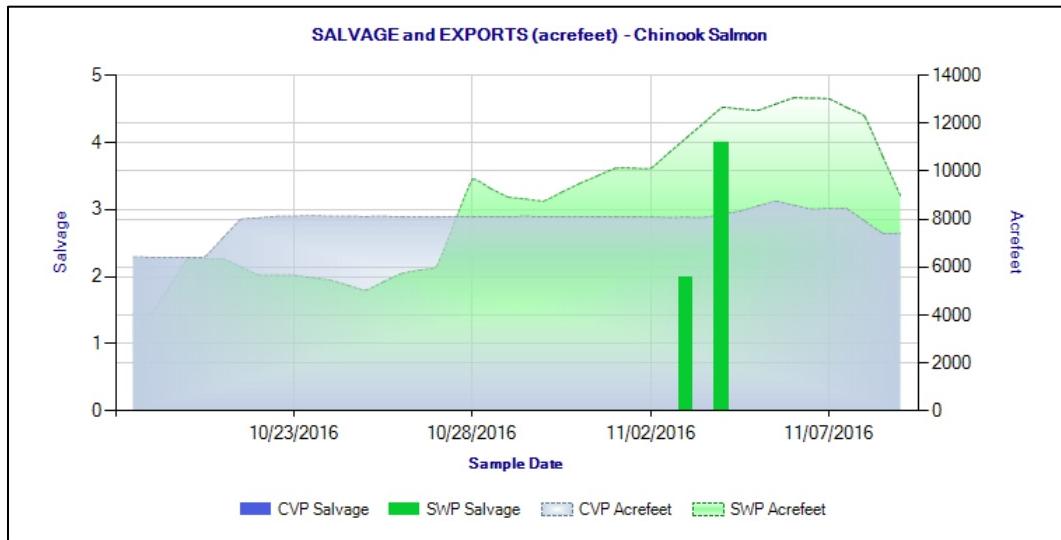


Figure: Recent Chinook salmon salvage at both facilities (all races). Data through 11/9.

	Winter-run cumulative combined loss	Winter-run concern level for WY 2017	<u>Winter-run ITL</u> for WY 2017
Non-clipped (as of 11/9)	0	Not yet known	
Clipped (hatchery fish not yet released)	n/a	Not yet known	

Coleman NFH Late-fall-run surrogate group	Released spring-run surrogates	Cumulative combined loss	Spring-run surrogate concern level WY 2017 (0.5%)	<u>Spring-run surrogate ITL</u> WY 2017 (1%)
No releases yet this water year	n/a	n/a	n/a	n/a

- **DOSS estimates of fish distribution:** (B. Byrne email "FW: Please forward to the DAT list" via F. Islam to DAT on 11/10-- 11/8 DOSS meeting highlights)
 - Wild young-of-year Winter-run: 75–86% yet to enter Delta, 15–20% in Delta, 0% exited Delta.

STEELHEAD

- Salvage:

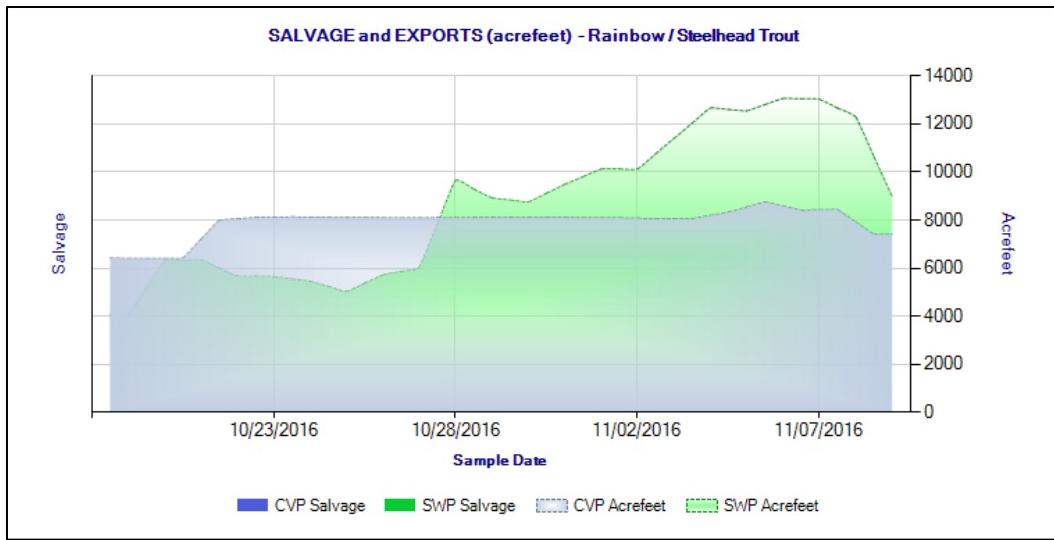
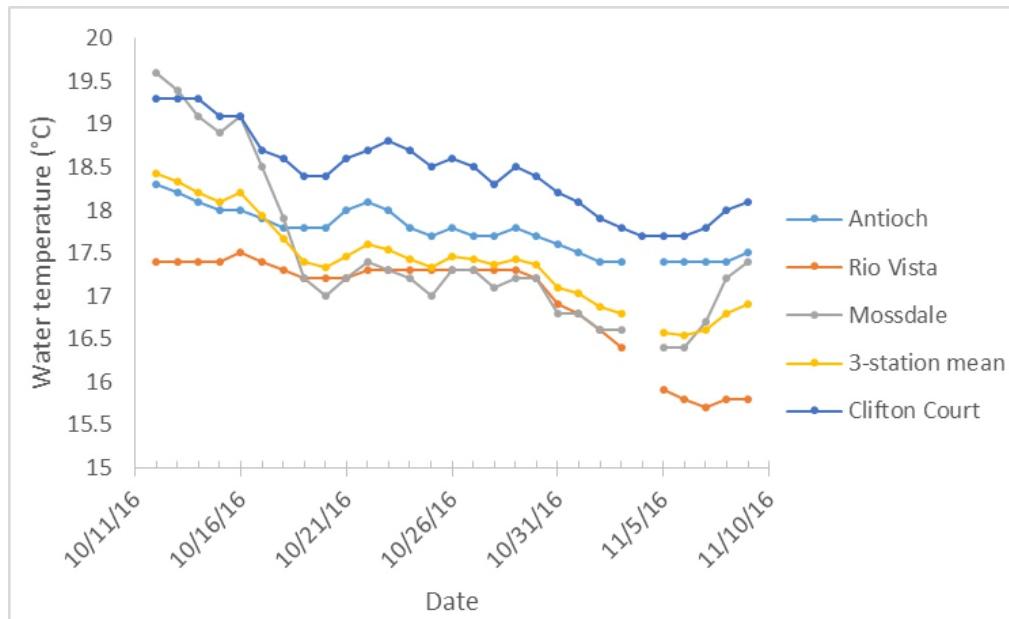


Figure: Recent steelhead salvage at both facilities (clipped and non-clipped; none in time period shown).
Data through 11/9.

	Cumulative combined salvage for WY 2017 as of 11/9/16	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	0	1,500	3,000

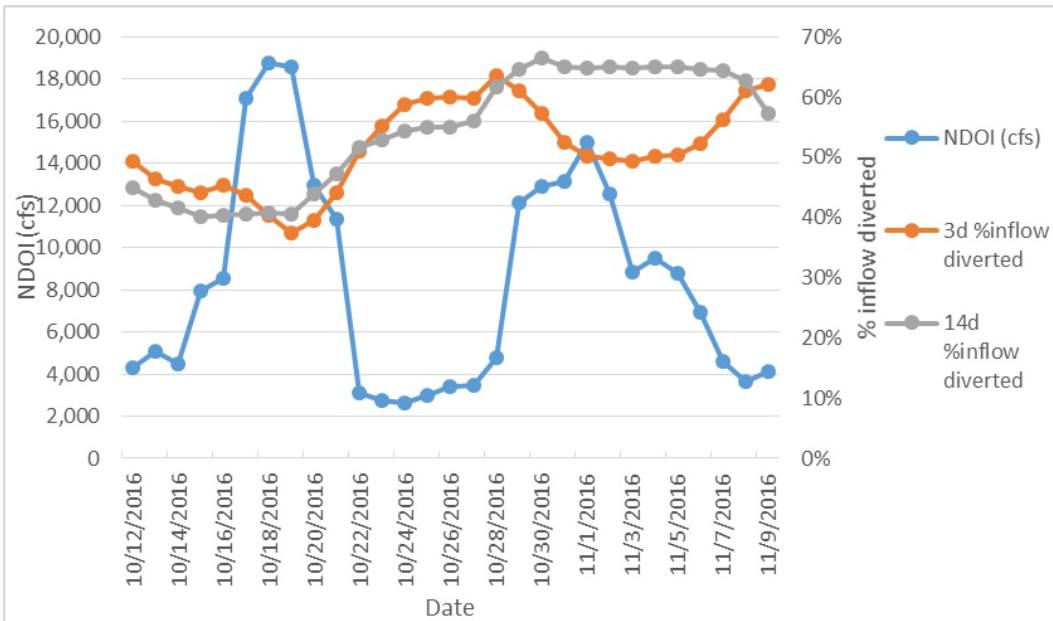
PHYSICAL CONDITIONS

- Currently controlling operations: Salinity management.
- Location of X2, 11/10: >81 km (east of Collingsville).
- DCC status, 11/10: Open. DCC gates closed on 11/6 due to RPA Action IV.1.2 but opened again on 11/9.
- Turbidity (at sites in delta smelt BiOp)
 - Three-day mean Prisoner's Point: 3.3 NTU on 11/9
 - Three-day mean Holland Cut: 0.8 NTU on 11/6
 - Three-day mean Victoria Canal: 2.0 NTU on 11/9
- South Delta temporary barriers update: November 10 (Email from M. Abioui, DWR, 11/10)
 - Fall Head of Old River Barrier currently has all six culverts open and they will stay that way until the barrier is removed. Removal began 11/10 and the breach is scheduled for 11/11.
 - Old River at Tracy barrier was breached on 10/20, culverts and frames were removed the week of 10/24, and rocks are still being removed.
 - Middle River barrier removal will begin 11/16, with a breach scheduled for 11/17.
 - Grant Line Canal barrier was breached on 10/28; working to remove the main ramp.
- Water Supply Index (WSI) forecast: May 1 forecast date (Water Supply Index (WSI) Forecast email, Andrew Reising, DWR, 5/9—last update for WY 2016)
 - 50% exceedance for Sacramento River Unimpaired Runoff WY forecast: 18.6 MAF (102% of average)
 - Forecasted 50% exceedance for Sacramento Valley Index is 7.1 (Below Normal).
 - Forecasted 75% exceedance for San Joaquin Valley Index is 2.4 (Dry).
- Temperature

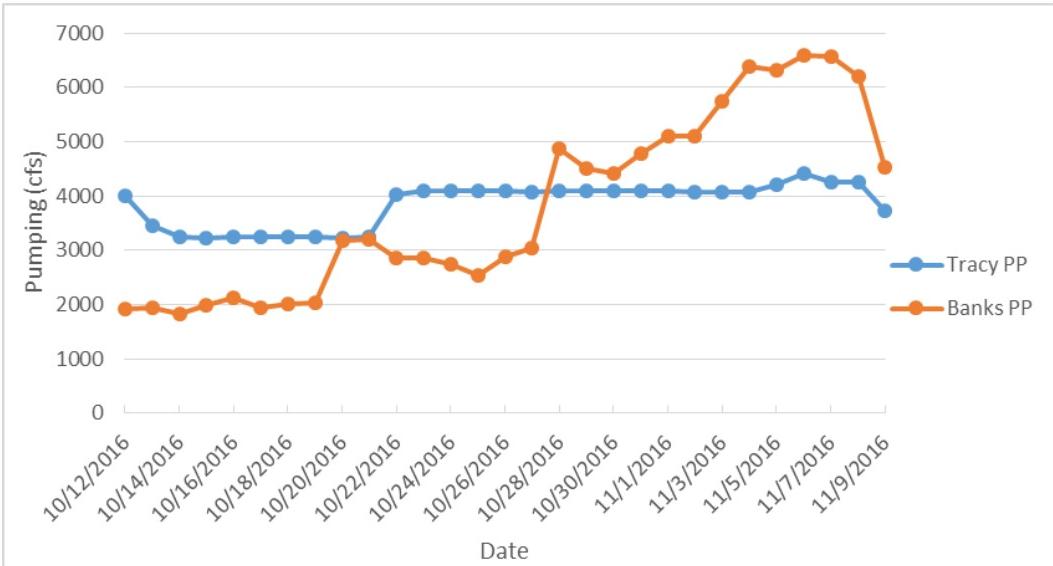


- Delta outflow index as of 11/10: ~5,100 cfs
 - November monthly outflow requirement is 4,500 cfs, with a 7-day average not less than 3,500 cfs. Status as of 11/9 is 8,212 cfs and 6,624 cfs, respectively.

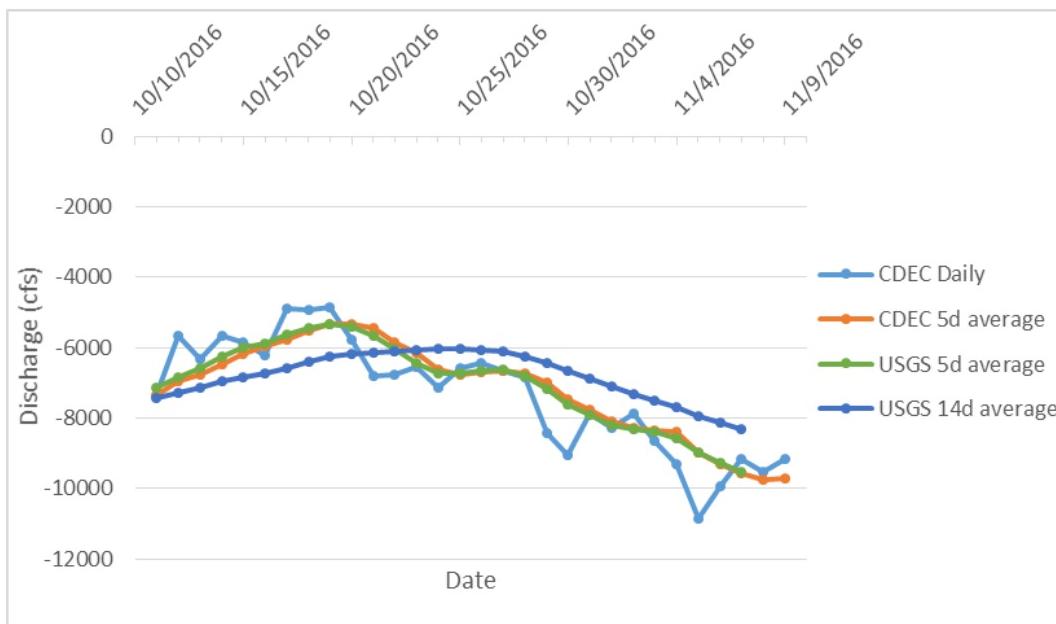
- Total Delta inflow as of 11/10: ~14,227 cfs
 - Sacramento flow: 12,110 cfs
 - San Joaquin flow: 1,195 cfs
 - % inflow diverted (14-day average): 49.8%.
 - For % inflow diverted, July–January standard is 65%.



- Exports:
 - 11/10 scheduled exports: 4,500 cfs Clifton Court inflow; 2,800 cfs Jones/Tracy PP.



- Tidally-filtered OMR:



REGULATORY

- Delta smelt
 - Current RPAs: n/a.
- Longfin smelt
 - Current RPAs: n/a.
- Salmonids
 - See below for relevant RPAs:

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
IV.1.1 (Monitoring and alerts to trigger changes in DCC operations)	"First alert"	Oct. - Apr.	(1) Mean daily flow >95 cfs in Mill or Deer Creek OR (2) Starting in Oct., an increase in tributary flow of > 50% over levels immediately preceding flow spike--> indicates cues for emigration initiation.	Alert tripped most recently on all days of the week before 11/8 (11/10 email, DOSS meeting highlights for DAT)	Either criterion can trigger the alert. Alert signals that gate operations might need alteration in near future to avoid diverting outmigrating Chinook.
	"Second alert"	.	(1) Water temp < 13.5°C at Knights Landing AND (2) Flows greater than 7,500 cfs at Wilkins Slough-> associated with recovering emigrating Chinook at Knights Landing.		Alert triggered when both second alert criteria met.
IV.1.2 (DCC gate operations)	N/A	Oct. - Nov.	Fish present (criteria based on D1641 WQ standards, Knights Landing Catch Index, and Sacramento Catch Index).	Triggered on 11/4 11/6; gate closure on 11/6 (11/10 email, DOSS meeting highlights for DAT); gates opened on 11/9	Gates closed if fish present. See 2011 amend., Encl. 2 (p. 62) for details on triggers.
		Dec. 1-14	1) If D-1641 WQ criteria met, DCC gates closed (unless NMFS approves Chinook experiment). 2) If WQ criteria are not met but both KLCI and SCI are <3 fish/d, DCC may be opened until WQ criteria met, then DCC will close within 24 hrs. 3) If WQ criteria are not met but either KLCI or SCI >3 fish/d, DOSS makes recommendation to NMFS and WOMT per Action IV.5 procedures (2011 amendment, Encl. 2 (p. 63)).		Gates closed, dependent on triggers.
		Dec. 15-Jan. 31	Gates may be opened for up to 5 days for NMFS-approved experiment, or for one-time event between Dec. 15-Jan. 5 when needed to maintain WQ in response to high tide coupled with low inflow.		Gates closed, dependent on triggers.
		Feb. - May 20	N/A		Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Nov. - Dec.	Catch index > 10 fish/d from either Knights Landing or Sacramento Catch Index.	Triggered 11/4-11/5 (11/10 email, DOSS meeting highlights for DAT)	In conjunction with two DCC-closure triggers (Action IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta.
			(1) Daily SWP/CVP older juvenile loss density > 8 fish/TAF. (2) Daily loss > 95 fish/d. (3) CNFH CWT late fall-run Chinook or LSNFH CWT winter-run cumulative loss >	Not triggered, as of 11/9.	When any trigger criterion met, reduce exports to combined 6,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.
			(1) Daily SWP/CVP older juvenile loss density > 15 fish/TAF. (2) Daily loss > 120 fish/d. (3) CNFH CWT LFR or LSNFH CWT WNT cumulative loss > 0.5%.	Not triggered, as of 11/9.	When any trigger criterion met, reduce exports to combined 4,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.

From: Johnny Amaral
Sent: Thursday, November 10, 2016 4:36 PM
To: 'Patterson,Roger K'; 'Joe Raeder'
CC: DCardoza@foley.com; 'Brent Walthall'; 'Dan Vink'; 'Jason R. Phillips'; dorth@davidorthconsulting.com; 'Tom Birmingham'; 'Shelley Ostrowski'; 'Steve Chedester'; 'Jeff Sutton'; 'Jason Peltier'; 'David Bernhardt'; 'Nancy E Williams'; 'Hiltscher,Brad L'
Subject: RE: DC next week

Looks like 2pm works for most of the group. Thanks for your reply

Please use the following conference call info:

1-800-[REDACTED]
Passcode - [REDACTED]

Looking forward to it.

Thanks

-----Original Message-----

From: Patterson,Roger K [<mailto:RPatterson@mwdh2o.com>]
Sent: Thursday, November 10, 2016 1:03 PM
To: Joe Raeder
Cc: Johnny Amaral; DCardoza@foley.com; Brent Walthall; Dan Vink; Jason R. Phillips; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Steve Chedester; Jeff Sutton; Jason Peltier; David Bernhardt; Nancy E Williams; Hiltscher,Brad L
Subject: Re: DC next week

I can do that. Thx.

> On Nov 10, 2016, at 11:46 AM, Joe Raeder <JRaeder@tfgnet.com> wrote:

>
> Works for me
>
>
>
> Joe Raeder
> THE FERGUSON GROUP
> Office: 202-331-8500
> Cell: 202-[REDACTED]
>
>
>
>

> ----- Original message -----

> From: Johnny Amaral <jamaral@westlandswater.org>
> Date: 11/10/16 1:49 PM (GMT-05:00)
> To: DCardoza@foley.com
> Cc: rpatterson@mwdh2o.com, 'Brent Walthall' <bwalhall@kcwa.com>, 'Dan Vink' <dvink@svwater.org>, "Jason R. Phillips" <jphillips@friantwater.org>, dorth@davidorthconsulting.com, 'Tom Birmingham' <tbirmingham@westlandswater.org>, 'Shelley Ostrowski' <sostrowski@westlandswater.org>, 'Steve Chedester' <schedester@sjrecwa.net>, 'Jeff Sutton' <jsutton@tccanal.com>, 'Jason Peltier' <jason.peltier@sldmwa.org>, 'David Bernhardt' <dbernhardt@bhfs.com>, Joe Raeder <JRaeder@tfgnet.com>, 'Nancy E Williams' <nwilliams@swaconsult.com>, "Hiltscher,Brad L" <bhiltscher@mwdh2o.com>
> Subject: RE: DC next week
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> Yes. 2pm PST, 5PM EST. Sorry for not clarifying
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> -----Original Message-----

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> Sent: Thursday, November 10, 2016 10:48 AM
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> Cc: rpatterson@mwdh2o.com; Brent Walthall; Dan Vink; Jason R. Phillips; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Steve Chedester; Jeff Sutton; Jason Peltier; David Bernhardt; Joe Raeder; Nancy E Williams; Hiltscher,Brad L
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> Sent from my iPhone
>
> Please excuse any auto correct errors
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the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

>
>
>
> --
> BEGIN-ANTISPAM-VOTING-LINKS
> -----
>
> Teach CanIt if this mail (ID 01S6iN29Q) is spam:
> Spam: <https://antispam.roaringpenguin.com/canit/b.php?i=01S6iN29Q&m=aaf87370542&t=20161110&c=s>
> Fraud/Phish: <https://antispam.roaringpenguin.com/canit/b.php?i=01S6iN29Q&m=aaf87370542&t=20161110&c=p>
> Not spam: <https://antispam.roaringpenguin.com/canit/b.php?i=01S6iN29Q&m=aaf87370542&t=20161110&c=n>
> Forget vote: <https://antispam.roaringpenguin.com/canit/b.php?i=01S6iN29Q&m=aaf87370542&t=20161110&c=f>
> -----
> END-ANTISPAM-VOTING-LINKS
>

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From: Nancy Williams
Sent: Thursday, November 10, 2016 3:25 PM
To: 'Johnny Amaral'; rpatterson@mwdh2o.com; 'Brent Walthall'; 'Dan Vink'; 'Jason R. Phillips'; dorth@davidorthconsulting.com; 'Tom Birmingham'; 'Shelley Ostrowski'; 'Steve Chedester'; 'Jeff Sutton'; 'Jason Peltier'
CC: 'David Bernhardt'; 'Dennis Cardoza'; 'Joe Raeder'; 'Hiltscher,Brad L'
Subject: RE: DC next week

Yes I will join – thanks JA

From: Johnny Amaral [mailto:jamaral@westlandswater.org]
Sent: Thursday, November 10, 2016 1:47 PM
To: rpatterson@mwdh2o.com; 'Brent Walthall' <bwalhall@kcwa.com>; Dan Vink <dvink@svwater.org>; 'Jason R. Phillips' <jphillips@friantwater.org>; dorth@davidorthconsulting.com; Tom Birmingham <tbirmingham@westlandswater.org>; 'Shelley Ostrowski' <sostrowski@westlandswater.org>; Steve Chedester <schedester@sjrecwa.net>; Jeff Sutton <jsutton@tccanal.com>; Jason Peltier <jason.peltier@sldmwa.org>
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Once the call gets scheduled, I will send out call in info.

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Sent: Thursday, November 10, 2016 2:47 PM
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CC: DCardoza@foley.com; rpatterson@mwdh2o.com; Brent Walthall; Dan Vink; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Steve Chedester; Jeff Sutton; Jason Peltier; David Bernhardt; Joe Raeder; Nancy E Williams; Hiltscher,Brad L
Subject: Re: DC next week

Works for me.

Sent from my iPhone

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From: Noles, Holly A. on behalf of Bernhardt, David L. [DBernhardt@BHFS.com]
Sent: Thursday, November 10, 2016 2:18 PM
To: 'Johnny Amaral'
Subject: RE: DC next week

Hey Johnny-

David is tied up from 5-6PM EST time tomorrow but can do any time after that.

-Holly

Holly Noles
Executive Assistant
Brownstein Hyatt Farber Schreck, LLP
1155 F Street N.W., Suite 1200
Washington, DC 20004
202.652.2352 tel
HNOLES@bhfs.com

-----Original Message-----

From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]
Sent: Thursday, November 10, 2016 1:50 PM
To: DCardoza@foley.com
Cc: rpatterson@mwdh2o.com; 'Brent Walthall'; 'Dan Vink'; 'Jason R. Phillips'; dorth@davidorthconsulting.com; 'Tom Birmingham'; 'Shelley Ostrowski'; 'Steve Chedester'; 'Jeff Sutton'; 'Jason Peltier'; Bernhardt, David L.; 'Joe Raeder'; 'Nancy E Williams'; 'Hiltscher,Brad L'
Subject: RE: DC next week

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If that is 5pm Eastern I am available. Dennis

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From: David Orth
Sent: Thursday, November 10, 2016 2:10 PM
To: jamaral@westlandswater.org
CC: Jeff Sutton; Shelly Ostrowski; 'Jason R. Phillips' ; 'Joe Raeder'; David Bernhardt; Jason Peltier; Dennis Cardoza; Dan Vink; Hilscher, Brad L; 'Nancy E Williams'; rpatterson@mwdh2o.com; Tom Birmingham; Steve Chedester; 'Brent Walthall'
Subject: RE: DC next week

I am available

Orth

Sent from my Verizon 4G LTE Droid

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From: Patterson,Roger K
Sent: Thursday, November 10, 2016 2:03 PM
To: Joe Raeder
CC: Johnny Amaral; DCardoza@foley.com; Brent Walthall; Dan Vink; Jason R. Phillips; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Steve Chedester; Jeff Sutton; Jason Peltier; David Bernhardt; Nancy E Williams; Hiltscher,Brad L
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I can do that. Thx.

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>
> Works for me
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>
>
> Joe Raeder
> THE FERGUSON GROUP
> Office: 202-331-8500
> Cell: 202-[REDACTED]
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> Johnny

>

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>

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> --

> BEGIN-ANTISPAM-VOTING-LINKS

> -----

>

> Teach CanIt if this mail (ID 01S6iN29Q) is spam:

> Spam: <https://antispam.roaringpenguin.com/canit/b.php?i=01S6iN29Q&m=aaf87370542&t=20161110&c=s>

> Fraud/Phish: <https://antispam.roaringpenguin.com/canit/b.php?i=01S6iN29Q&m=aaf87370542&t=20161110&c=p>

> Not spam: <https://antispam.roaringpenguin.com/canit/b.php?i=01S6iN29Q&m=aaf87370542&t=20161110&c=n>

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> -----

> END-ANTISPAM-VOTING-LINKS

>

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From: Steve Chedester
Sent: Thursday, November 10, 2016 1:39 PM
To: Johnny Amaral
CC: rpatterson@mwdh2o.com; Brent Walthall; Dan Vink; Jason R. Phillips; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Jeff Sutton; Jason Peltier; David Bernhardt; Dennis Cardoza; Joe Raeder; Nancy E Williams; Hiltscher,Brad L
Subject: Re: DC next week

I am available for a call on Friday at 2:00 pm

Steve Chedester
SJRECWA
Sent from iPhone

On Nov 10, 2016, at 10:46 AM, Johnny Amaral <jamaral@westlandswater.org> wrote:

Gang,

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Please let me know if you are available for a call around 2pm on Friday afternoon.

Once the call gets scheduled, I will send out call in info.

Johnny

From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]
Sent: Tuesday, November 8, 2016 8:43 AM
To: rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink (dvink@svwater.org); 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham (tbirmingham@westlandswater.org); 'Shelley Ostrowski'; Steve Chedester (schedester@sjrecwa.net); Jeff Sutton (jsutton)
Cc: David Bernhardt; Dennis Cardoza; 'Joe Raeder'; 'Nancy E Williams'; Hiltscher,Brad L (bhiltscher@mwdh2o.com)
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From: Walthall, Brent
Sent: Thursday, November 10, 2016 1:28 PM
To: Johnny Amaral
CC: rpatterson@mwdh2o.com; Dan Vink; Jason R. Phillips; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Steve Chedester; Jeff Sutton; Jason Peltier; David Bernhardt; Dennis Cardoza; Joe Raeder; Nancy Williams; Hiltscher, Brad L
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Works for me

Thank you Johnny
Brent

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Johnny

From: Jeff Sutton
Sent: Thursday, November 10, 2016 1:09 PM
To: 'Bernhardt, David L.'
CC: 'Tom Birmingham'
Subject:

David,

Hope this message finds you well.

What a YUUUUGE, yet to be honest somewhat unanticipated, historic election night!!!

Once my head stops spinning, I am going to have to recalibrate my political compass. And I guess this creates some additional, yet I imagine welcome, work for you as it relates to the transition.

Look forward to seeing you next week and visiting on all of these recent developments, and exploring the new paths and opportunities that potentially appear to have now opened up on our issues.

Cheers and Congratulations.

Jeffrey P. Sutton
General Manager
Tehama-Colusa Canal Authority
P.O. Box 1025
Willows, CA 95988
Phone: (530) 934-2125
Cell: (530) [REDACTED] - [REDACTED]

From: Joe Raeder
Sent: Thursday, November 10, 2016 12:46 PM
To: Johnny Amaral; DCardoza@foley.com
CC: rpatterson@mwdh2o.com; 'Brent Walthall'; 'Dan Vink'; 'Jason R. Phillips'; dorth@davidorthconsulting.com; 'Tom Birmingham'; 'Shelley Ostrowski'; 'Steve Chedester'; 'Jeff Sutton'; 'Jason Peltier'; 'David Bernhardt'; 'Nancy E Williams'; 'Hiltscher,Brad L'
Subject: RE: DC next week

Works for me

Joe Raeder
THE FERGUSON GROUP
Office: 202-331-8500
Cell: 202-[REDACTED]

----- Original message -----

From: Johnny Amaral <jamaral@westlandswater.org>
Date: 11/10/16 1:49 PM (GMT-05:00)
To: DCardoza@foley.com
Cc: rpatterson@mwdh2o.com, 'Brent Walthall' <bwalthall@kcwa.com>, 'Dan Vink' <dvink@swwater.org>, '"Jason R. Phillips"' <jphillips@friantwater.org>, dorth@davidorthconsulting.com, 'Tom Birmingham' <tbirmingham@westlandswater.org>, 'Shelley Ostrowski' <sostrowski@westlandswater.org>, 'Steve Chedester' <chedester@sjrecwa.net>, 'Jeff Sutton' <jsutton@tccanal.com>, 'Jason Peltier' <jason.peltier@sldmwa.org>, 'David Bernhardt' <dbernhardt@bhfs.com>, Joe Raeder <JRaeder@tfgnet.com>, 'Nancy E Williams' <nwilliams@swaconsult.com>, "Hiltscher,Brad L" <bhiltscher@mwdh2o.com>
Subject: RE: DC next week

Yes. 2pm PST, 5PM EST. Sorry for not clarifying

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Sent: Thursday, November 10, 2016 10:48 AM
To: Johnny Amaral
Cc: rpatterson@mwdh2o.com; Brent Walthall; Dan Vink; Jason R. Phillips; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Steve Chedester; Jeff Sutton; Jason Peltier; David Bernhardt; Joe Raeder; Nancy E Williams; Hiltscher,Brad L
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If that is 5pm Eastern I am available. Dennis

Sent from my iPhone

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Sent: Tuesday, November 8, 2016 8:43 AM

To: rpatterson@mwdh2o.com<<mailto:rpatterson@mwdh2o.com>>; 'Brent Walthall'; Dan Vink (dvink@svwater.org<<mailto:dvink@svwater.org>>); 'Jason R. Phillips'; dorth@davidorthconsulting.com<<mailto:dorth@davidorthconsulting.com>>; Tom Birmingham (tbirmingham@westlandswater.org<<mailto:tbirmingham@westlandswater.org>>); 'Shelley Ostrowski'; Steve Chedester (chedester@sjrecwa.net<<mailto:chedester@sjrecwa.net>>); Jeff Sutton (jsutton Cc: David Bernhardt; Dennis Cardoza; 'Joe Raeder'; 'Nancy E Williams'; Hiltscher, Brad L (bhiltscher@mwdh2o.com<<mailto:bhiltscher@mwdh2o.com>>)

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Fraud/Phish: <https://antispam.roaringpenguin.com/canit/b.php?i=01S6iN29Q&m=aaf87370542&t=20161110&c=p>

Not spam: <https://antispam.roaringpenguin.com/canit/b.php?i=01S6iN29Q&m=aaf87370542&t=20161110&c=n>

Forget vote: <https://antispam.roaringpenguin.com/canit/b.php?i=01S6iN29Q&m=aaf87370542&t=20161110&c=f>

END-ANTISPAM-VOTING-LINKS

From: Dan Vink
Sent: Thursday, November 10, 2016 12:11 PM
To: jamaral@westlandswater.org
CC: rpatterson@mwdh2o.com; Brent Walthall; Jason R. Phillips; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Steve Chedester; Jeff Sutton; Jason Peltier; David Bernhardt; Dennis Cardoza; Joe Raeder; Nancy E Williams; Hiltscher,Brad L
Subject: Re: DC next week

I can make that work

Dan Vink
Executive Director
South Valley Water Association

dvink@svwater.org



On Nov 10, 2016, at 10:47 AM, Johnny Amaral <jamaral@westlandswater.org> wrote:

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From: Johnny Amaral
Sent: Thursday, November 10, 2016 11:50 AM
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CC: rpatterson@mwdh2o.com; 'Brent Walthall'; 'Dan Vink'; 'Jason R. Phillips'; dorth@davidorthconsulting.com; 'Tom Birmingham'; 'Shelley Ostrowski'; 'Steve Chedester'; 'Jeff Sutton'; 'Jason Peltier'; 'David Bernhardt'; 'Joe Raeder'; 'Nancy E Williams'; 'Hiltscher,Brad L'
Subject: RE: DC next week

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-----Original Message-----

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Sent: Thursday, November 10, 2016 10:48 AM
To: Johnny Amaral
Cc: rpatterson@mwdh2o.com; Brent Walthall; Dan Vink; Jason R. Phillips; dorth@davidorthconsulting.com; Tom Birmingham; Shelley Ostrowski; Steve Chedester; Jeff Sutton; Jason Peltier; David Bernhardt; Joe Raeder; Nancy E Williams; Hiltscher,Brad L
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From: jsutton@tccanal.com
Sent: Thursday, November 10, 2016 11:49 AM
To: Johnny Amaral; rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham; 'Shelley Ostrowski'; Steve Chedester; Jason Peltier
CC: David Bernhardt; Dennis Cardoza; 'Joe Raeder'; 'Nancy E Williams'; Hiltscher,Brad L
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Stay tuned....as soon as I know anything, I will share it immediately. And if you can, please share with the people on this email any questions, comments, info, or input you have about next weeks trip.

Johnny

The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

From: Johnny Amaral
Sent: Thursday, November 10, 2016 11:47 AM
To: rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink; 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham; 'Shelley Ostrowski'; Steve Chedester; Jeff Sutton; Jason Peltier
CC: David Bernhardt; Dennis Cardoza; 'Joe Raeder'; 'Nancy E Williams'; Hiltscher,Brad L
Subject: RE: DC next week

Gang,

I'm emailing to check your availability to have a conference call to discuss the new lay of the land given the new developments this week. I've had several conversations with House members and Congressional staff since Tuesday, and I'm sure many of you have as well. Needless to say, there are a lot of ideas and thoughts being kicked around among the delegation.

I think we need to put our heads together to map out our strategy for next Wednesdays meeting and to share information we've received from our individual discussions with them. We need to prepare to respond to comments and questions that will certainly come from Members and staff at the meeting on Wednesday, and being on the same page ahead of time is paramount.

Please let me know if you are available for a call around 2pm on Friday afternoon.

Once the call gets scheduled, I will send out call in info.

Johnny

From: Johnny Amaral [mailto:jamaral@westlandswater.org]
Sent: Tuesday, November 8, 2016 8:43 AM
To: rpatterson@mwdh2o.com; 'Brent Walthall'; Dan Vink (dvink@svwater.org); 'Jason R. Phillips'; dorth@davidorthconsulting.com; Tom Birmingham (tbirmingham@westlandswater.org); 'Shelley Ostrowski'; Steve Chedester (schedester@sjrecwa.net); Jeff Sutton (jsutton)
Cc: David Bernhardt; Dennis Cardoza; 'Joe Raeder'; 'Nancy E Williams'; Hiltscher,Brad L (bhiltscher@mwdh2o.com)
Subject: DC next week

Gang,

I had dinner last night with Phillips and Chedester in Sacramento and we briefly discussed scheduling items for next week. Aside from the 5pm meeting on Wednesday in Leader McCarthys office, things are a bit fluid.

But, we discussed having a pre-planning meeting before the big show in Kevins office. So, given that Orth is arriving on the red eye at 7 am on Wednesday, lets meet for the pre planning meeting in the Longworth Cafeteria at 12:30 on Wednesday. Please make sure to keep that time frame clear.

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Johnny

From: Bernhardt, David L.
Sent: Thursday, November 10, 2016 6:46 AM
To: 'Johnny Amaral'
Subject: FW: Committee on Natural Resources -- Markup Notice 11.15.16 & 11.16.16

fyi

From: Weaver, Kiel [mailto:Kiel.Weaver@mail.house.gov]
Sent: Thursday, November 10, 2016 8:45 AM
To: Smith, Ryan A.; Bernhardt, David L.
Subject: FW: Committee on Natural Resources -- Markup Notice 11.15.16 & 11.16.16

FYI....

From: Varnasidis, Sophia
Sent: Wednesday, November 09, 2016 3:41 PM
To: Natural Resources Repubs All LAs; Natural Resources Repub All Schedulers; Natural Resources Dems All LAs; Natural Resources Dem All Schedulers; Natural Resources Republican Press; Daly, Lisa; Johnson, Edward; Hall, Dan; Taft, Tammy; Cox, William; Digest, Committee
Cc: All Staff - Natural Resources Cmte
Subject: Committee on Natural Resources -- Markup Notice 11.15.16 & 11.16.16

November 9, 2016

☆ ☆ ☆ Markup Notice ☆ ☆ ☆

MEMORANDUM

To: Members, Committee on Natural Resources
From: The Honorable Rob Bishop, Chairman
Subject: Full Committee Markup Notice

The Committee on Natural Resources has scheduled a markup beginning on **Tuesday, November 15, 2016 at 4:00 p.m.** The Committee will consider the following bills:

- **H.R. 1219 (Rep. Tom Cole)**, To authorize the Secretary of the Interior to convey certain land and appurtenances of the Arbuckle Project, Oklahoma, to the Arbuckle Master Conservancy District, and for other purposes. "*Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2015*";
- **H.R. 3711 (Rep. Juan Vargas)**, To authorize the Secretary of the Interior to conduct a special resource study of Chicano Park, located in San Diego, California, and for other purposes. "*Chicano Park Preservation Act*";
- **H.R. 4366 (Rep. David Valadao)**, To affirm an agreement between the United States and Westlands Water District dated September 15, 2015, and for other purposes. "*San Luis Unit Drainage Resolution Act*"; and
- **H.R. 5633 (Rep. Ryan Zinke)**, To authorize and implement the water rights compact among the Blackfeet Tribe of the Blackfeet Indian Reservation, the State of Montana, and the United States, and for other purposes. "*Blackfeet Water Rights Settlement Act*"

On Tuesday, November 15, 2016, the Committee will convene at 4:00 p.m. in 1324 Longworth House Office Building for opening statements only. The Committee will reconvene on Wednesday, November 16, 2016 at 10:00 a.m. until 12:00 p.m. in the 1324 Longworth House Office Building.

Any proposed amendments should be emailed to Sophia Varnasidis (Sophia.Varnasidis@mail.house.gov) no later than **3:00p.m.** on Tuesday, November 15, 2016. Note that all bipartisan amendments, and amendments filed by this time, will be given priority recognition at the markup. Please deliver 70 hard copies of any amendments submitted after 3:00p.m. on Tuesday, November 15, to 1324 Longworth House Office Building.

For further information regarding the markup, please contact Sophia Varnasidis, Deputy Director of Operations, Committee on Natural Resources, at x5-2761.

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CC: David Bernhardt; Dennis Cardoza; 'Joe Raeder'; 'Nancy E Williams'; Hiltscher,Brad L
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Stay tuned....as soon as I know anything, I will share it immediately. And if you can, please share with the people on this email any questions, comments, info, or input you have about next weeks trip.

Johnny

From: Bernhardt, David L.
Sent: Thursday, November 3, 2016 1:23 PM
To: Johnny Amaral
Subject: Re: can you talk?

Left Vm.

David Bernhardt

On Nov 3, 2016, at 3:59 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:

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From: Bernhardt, David L.
Sent: Thursday, November 3, 2016 1:02 PM
To: Johnny Amaral
Subject: Re: can you talk?

Sure call 202 [REDACTED]

David Bernhardt

On Nov 3, 2016, at 3:59 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:

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From: Bernhardt, David L.
Sent: Thursday, November 3, 2016 1:02 PM
To: Johnny Amaral
Subject: Re: can you talk?

Sure call 202 [REDACTED]

David Bernhardt

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From: Johnny Amaral

Sent: Thursday, November 3, 2016 1:00 PM

To: David Bernhardt

Subject: can you talk?

From: Tom Birmingham
Sent: Tuesday, November 1, 2016 4:01 PM
To: Karen Clark
CC: Bernhardt, David L.
Subject: Fwd: Call

Please put this on my calendar for November 2.

Sent from my iPhone

Begin forwarded message:

From: "Bernhardt, David L." <DBernhardt@BHFS.com>
Date: November 1, 2016 at 3:58:43 PM PDT
To: Tom Birmingham <tbirmingham@westlandswater.org>
Subject: Re: Call

Tom: If it is no too early, I will call you at 8:30 a.m. PDT.

David Bernhardt

On Nov 1, 2016, at 6:28 PM, Tom Birmingham <tbirmingham@westlandswater.org> wrote:

David,

I am available tomorrow morning before 9:00 a.m. PDT, between 12:30 – 1:00 p.m. PDT, and after 4:30 p.m. PDT. I am not available on Thursday.
Please let me know if one of those times is convenient for you.

Tom

From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
Sent: Tuesday, November 1, 2016 1:38 PM
To: tbirmingham@westlandswater.org
Cc: 'Karnick, Caryl' <Caryl.Karnick@nrg.com>
Subject: Call

Tom: Do you have a 15 to 20 minutes for a call either tomorrow or Thursday? I need to speak to you about a matter. If so, please let me know times that might work for you.

Best,
David

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From: Bernhardt, David L.
Sent: Friday, October 28, 2016 7:48 AM
To: 'Johnny Amaral'
Subject: RE: Weird

Got it. Yes very much so.

-----Original Message-----

From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]
Sent: Friday, October 28, 2016 10:46 AM
To: Bernhardt, David L.
Subject: Re: Weird

No. not at all. I just find that last few Friday am calls to be quite odd

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Oct 28, 2016, at 7:44 AM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

>
> Did I say something you did not want raised?

>
> -----Original Message-----

> From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]
> Sent: Friday, October 28, 2016 10:43 AM
> To: Bernhardt, David L.
> Subject: Weird

>
>
>
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>
> Best,

>
> Johnny Amaral
> Deputy General Manager - External Affairs
> Westlands Water District

>
>
>
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From: Johnny Amaral
Sent: Friday, October 28, 2016 7:43 AM
To: David Bernhardt
Subject: Weird

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

From: Holly Long

Sent: Thursday, October 27, 2016 3:33 PM

To: ara.azhderian@sldmwa.org; Carolyn Jensen; Chris White; David Bernhardt; Dennis Cardoza; Frances Brewster (FBrewster@valleywater.org); Frances Mizuno; Jason Nishijima; Jason Peltier (jason.peltier@sldmwa.org); Jon Rubin (Jon.Rubin@sldmwa.org); Judy Bendix; O'Hanlon, Daniel; pwilliams@westlandswater.org; sfong@sfcwa.org; Sheila Greene (sgreene@westlandswater.org); Steve Chedester; Tom Boardman (tboardman@apex.net)

Subject: Delta conditions report

Attachments: 2016-10-27-DeltaConditionsReport.docx

Hi everyone,

The Delta conditions report is attached.

Thank you,

Holly

Holly Long

Mosaic Associates

1690 San Pablo Avenue, Suite D

Pinole, CA 94564

holly@mosaicassociates.net

510.964.0394 office

510.964.0396 fax

[REDACTED] cell

DELTA CONDITIONS REPORT, OCTOBER 27, 2016

Holly Long, SLDMWA

EXECUTIVE SUMMARY

- Operational constraint: Salinity management.
 - X2 today is >81 km (east of Collinsville).
 - Scheduled combined exports today are 7,000 cfs.
 - Outflow index today is ~3,500 cfs.
 - Yesterday's CDEC OMR values were -6,434 cfs (daily), -6,697 cfs (5-day), -6,057 cfs (14-day).
 - % inflow diverted today is 59.7% (3-day average).
- Salvage and ITLs, WY 2017
 - No salvage for listed species yet this water year (as of 10/26).
- Surveys/monitoring
 - **Delta smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=0 (overall FMWT index is sum of September–December indices).
 - **Longfin smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=3 (overall FMWT index is sum of September–December indices).
- Expectations
 - Harmful algal bloom present in the South Delta near the barrier sites. DWR and CVRWQCB are monitoring. Three of six culvert slides gates were opened on the Fall Head of Old River barrier on 10/12 to help with circulation for this reason; three more were opened on 10/20. The latest field report showed that there has been a decrease in the bloom spread. The hope is that the bloom will be alleviated with the rain, colder temperatures, and opening of the culverts (Weekly temporary barriers update email from Michael Abioli, DWR, 10/21).
 - Six Fall Head of Old River Barrier culverts will stay open until the barrier is removed, scheduled to begin on 11/9. Removal should be done by 11/24. Old River at Tracy barrier removal began on 10/19. It was breached on 10/20 and complete removal is expected to be done by 11/9. Middle River barrier will be removed after Old River near Tracy barrier, beginning 11/8. Removal takes about ten days. Grant Line Canal barrier removal will begin on 11/4 and should be done by 11/30 (Weekly temporary barriers update email from Michael Abioli, DWR, 10/21).
 - November monthly outflow requirement is 4,500 cfs, with a 7-day average not less than 3,500 cfs.

DELTA CONDITIONS REPORT, OCTOBER 27, 2016

DELTA SMELT

- Salvage:

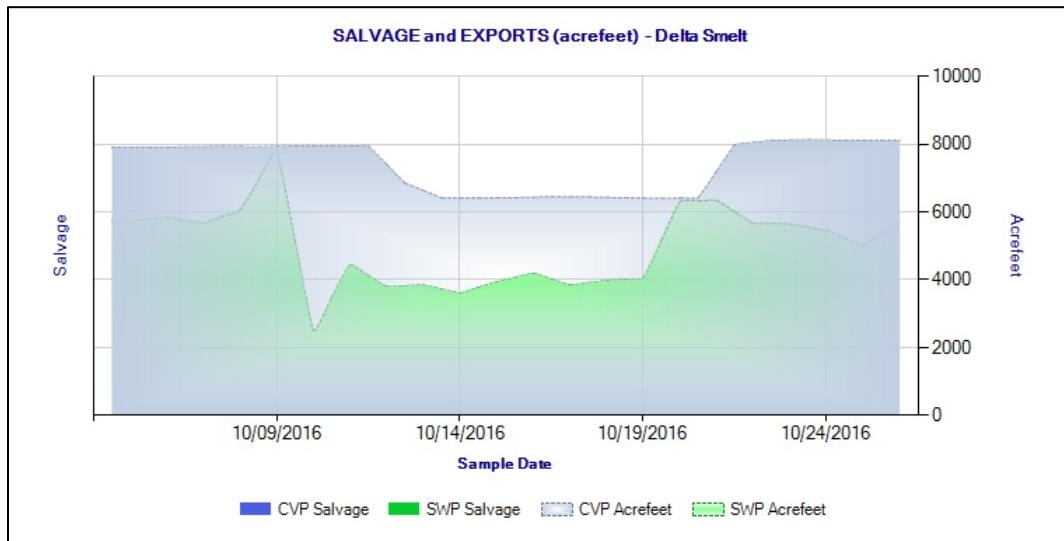


Figure: Recent delta smelt salvage (adults and juveniles) at both facilities (none in time period shown). Data through 10/26.

	Combined salvage as of 10/26/16	Concern level for WY 2017	ITL for WY 2017
Adult	0	Not yet known	
Juvenile	0	Not yet known	

- Fall Midwater Trawl index:

- September abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Summer Townet:**
 - The 2016 Summer Townet index for delta smelt was 0.

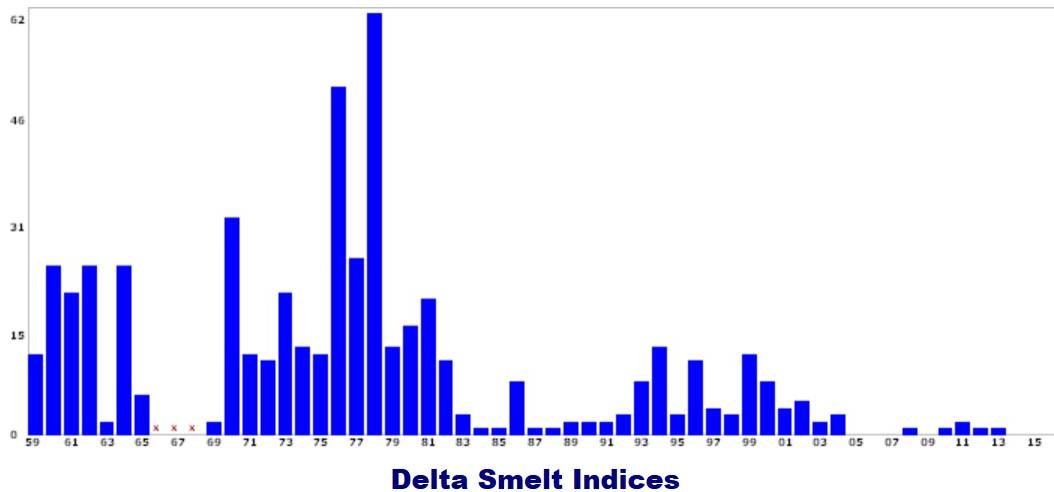


Figure: Summer Townet indices for delta smelt. Graph from <http://www.dfg.ca.gov/delta/data/townet/indices.asp?species=3>.

- **Bay Study:**

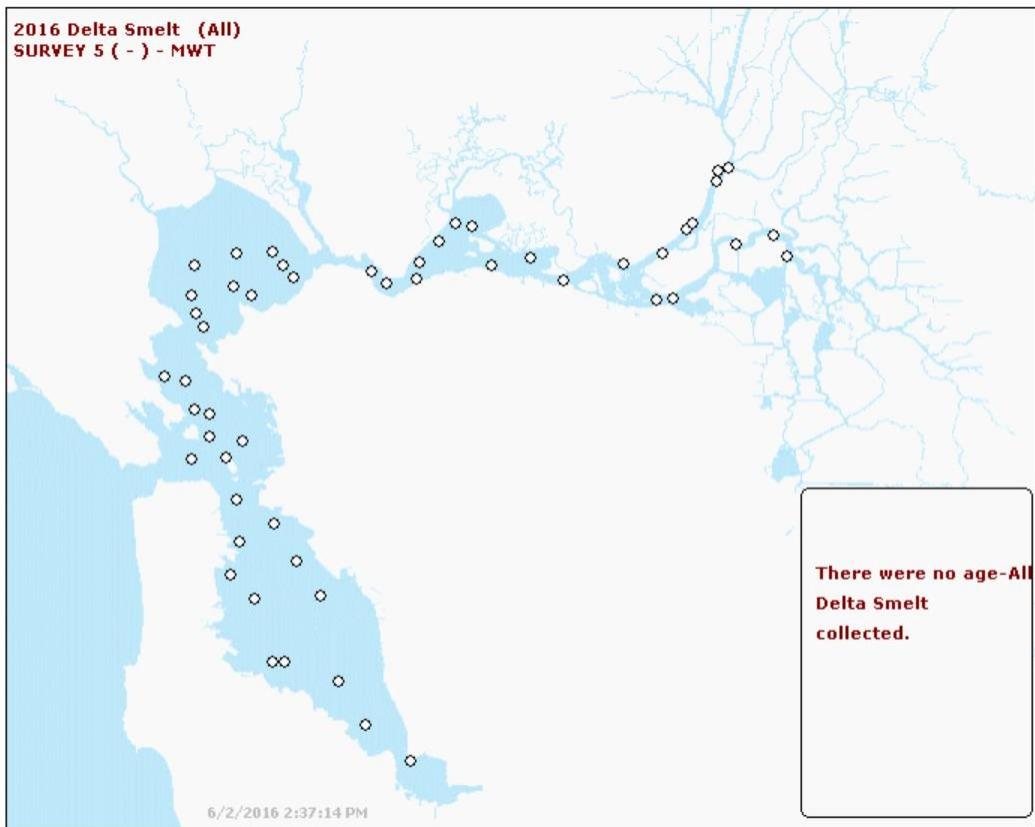


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey available). No delta smelt were caught in May.

LONGFIN SMELT

- **Salvage:**

- No salvage yet this WY (as of 10/26).

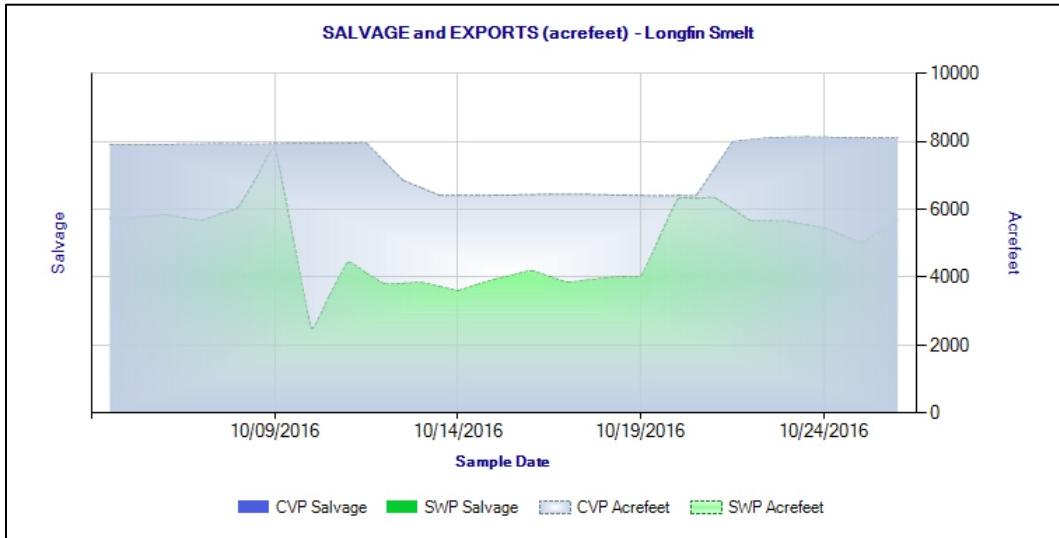


Figure: Recent longfin smelt salvage at both facilities (none in the time frame shown). Data through 10/26.

- **Fall Midwater Trawl index:**

- September abundance index=3 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Bay Study:**

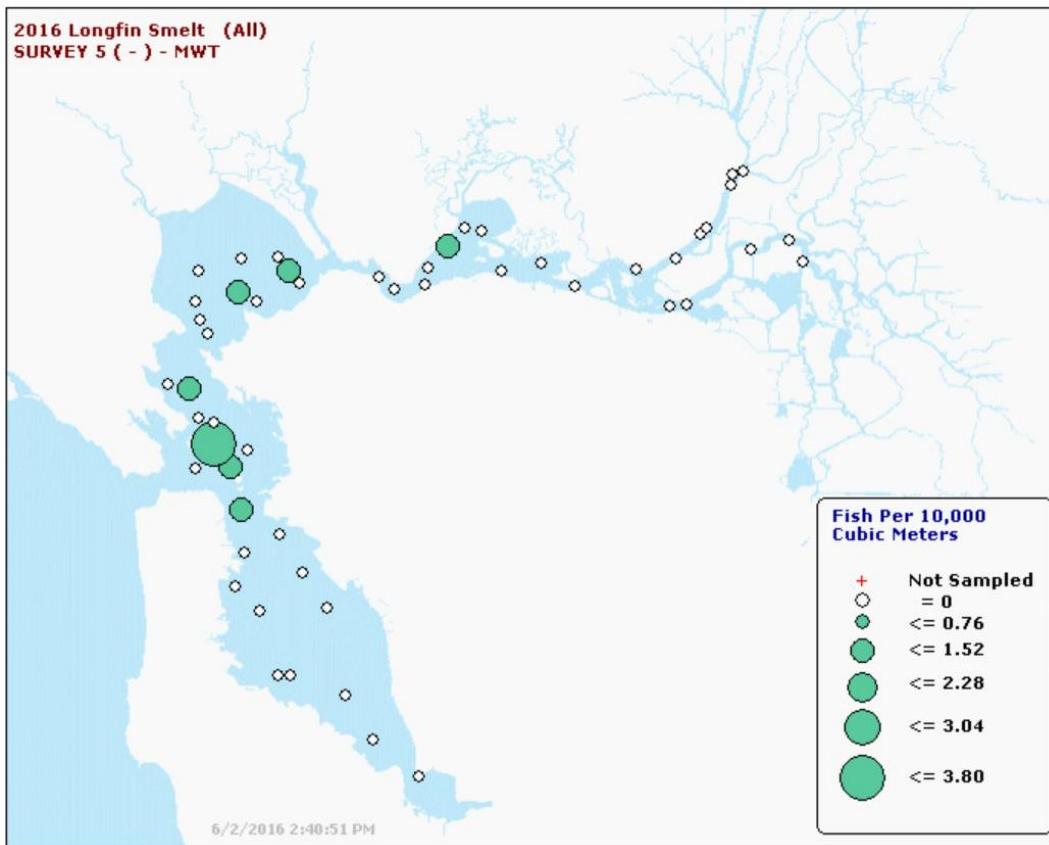


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in Suisun, San Pablo, and San Francisco Bays.

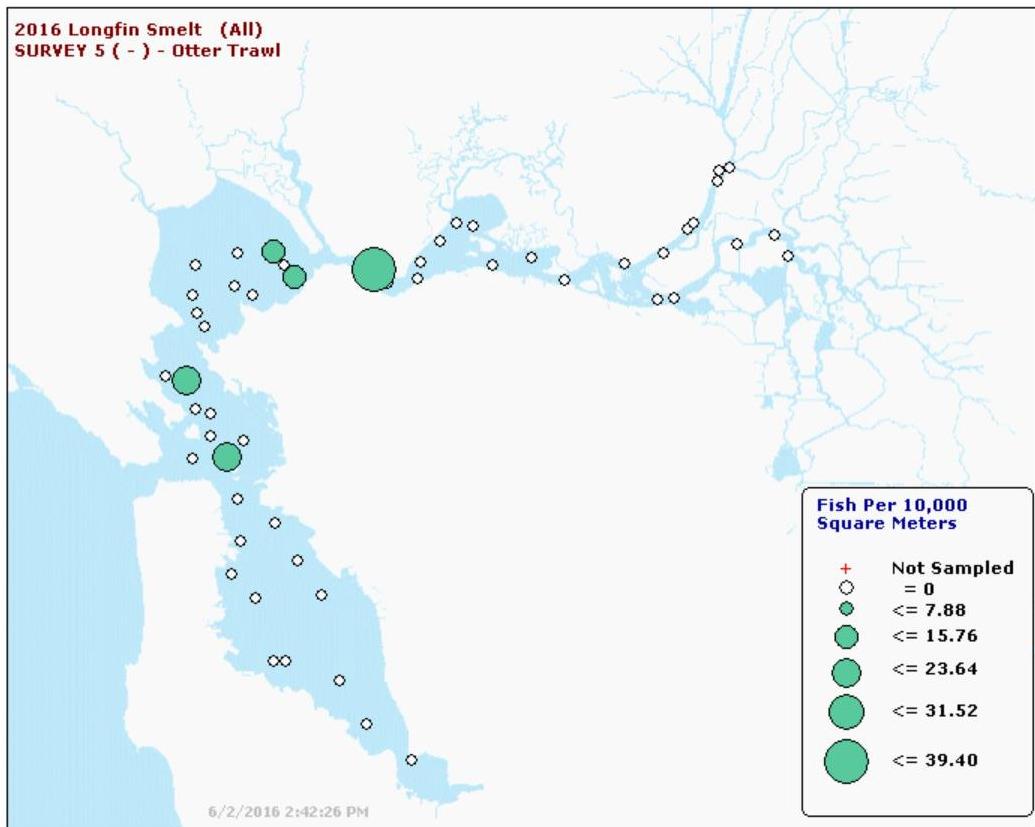


Figure: Monthly otter trawl (demersal/bottom), Survey 5 (May; most recent survey). Age-0 longfin smelt were caught in the Carquinez Strait, eastern San Pablo Bay, and San Francisco Bay.

CHINOOK SALMON

- **Salvage:**

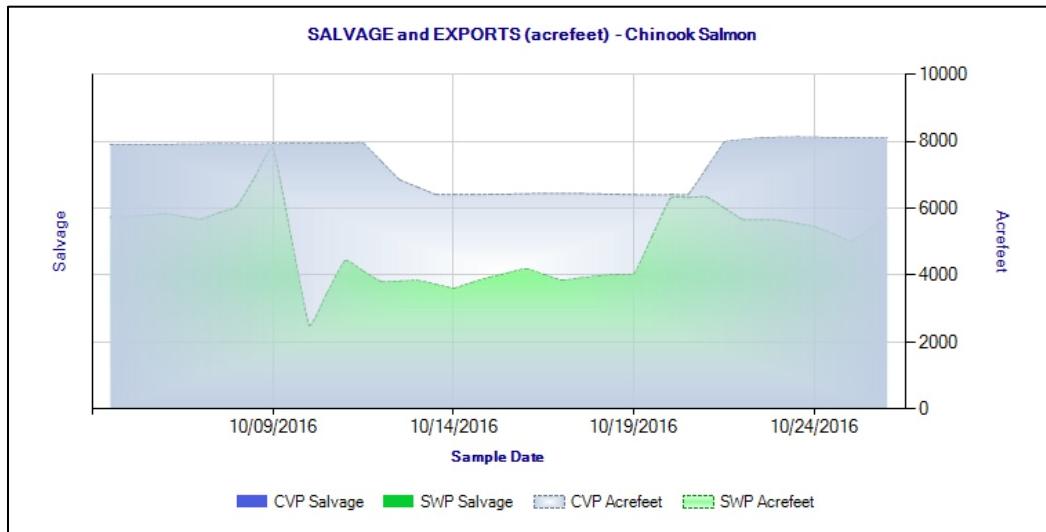


Figure: Recent Chinook salmon salvage at both facilities (all races; none in the time frame shown). Data through 10/26.

	Winter-run cumulative combined loss	Winter-run concern level for WY 2017	Winter-run ITL for WY 2017
Non-clipped (as of 10/26)	0	Not yet known	
Clipped (hatchery fish not yet released)	n/a	Not yet known	

Coleman NFH Late-fall-run surrogate group	Released spring-run surrogates	Cumulative combined loss	Spring-run surrogate concern level WY 2017 (0.5%)	Spring-run surrogate ITL WY 2017 (1%)
No releases yet this water year	n/a	n/a	n/a	n/a

- **DOSS estimates of fish distribution:** (10/18/16 DOSS notes)
 - Wild young-of-year Winter-run: 96–99% yet to enter Delta, 1–4% in Delta, 0% exited Delta.

STEELHEAD

- Salvage:

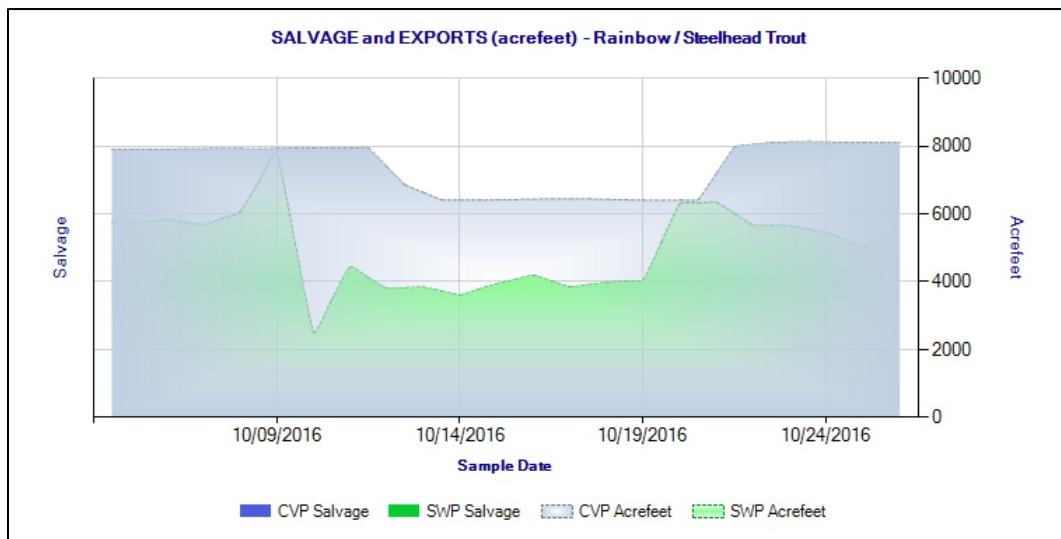


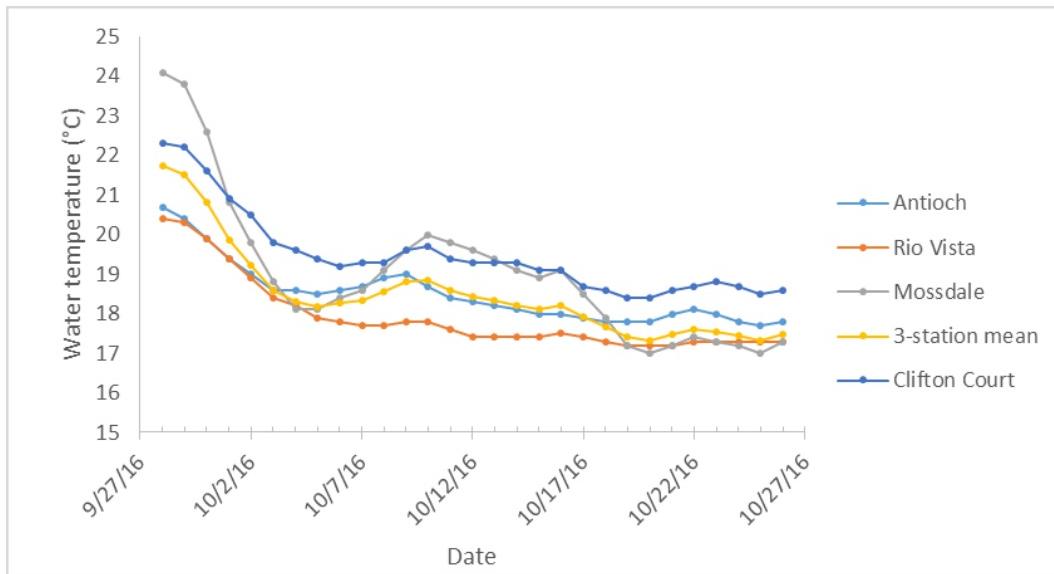
Figure: Recent steelhead salvage at both facilities (clipped and non-clipped; none in time period shown).
Data through 10/26.

	Cumulative combined salvage for WY 2017 as of 10/26/16	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	0	1,500	3,000

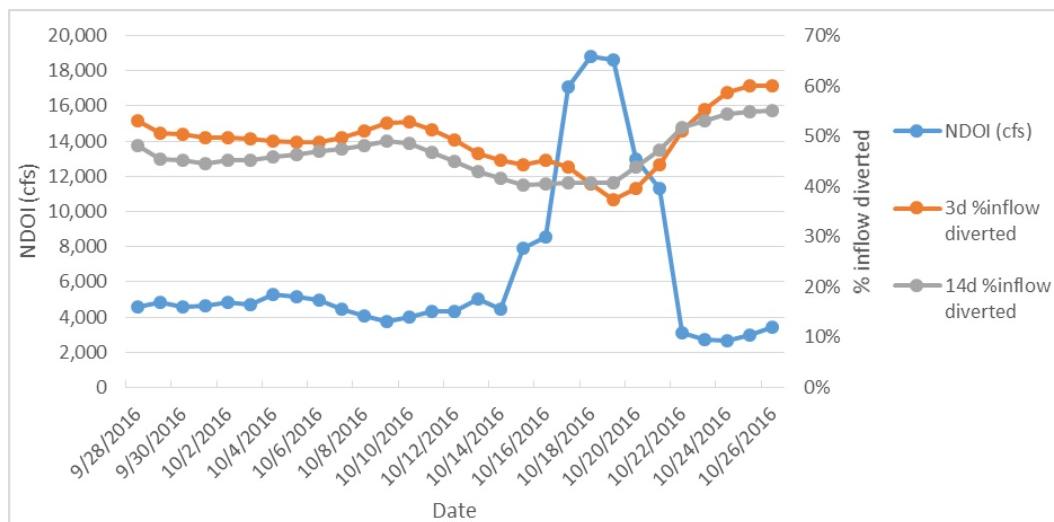
PHYSICAL CONDITIONS

- Currently controlling operations: Salinity management.
- Location of X2, 10/27: >81 km (east of Collinsville).
- DCC status, 10/27: Open.
- Turbidity (at sites in delta smelt BiOp)
 - Three-day mean Prisoner's Point: 3.2 NTU on 10/26
 - Three-day mean Holland Cut: 0.6 NTU on 10/26
 - Three-day mean Victoria Canal: 1.6 NTU on 10/26
- South Delta temporary barriers update: October 21 (Email from Michael Abioli, DWR, 10/21)
 - Harmful algal bloom present in the South Delta near the barrier sites. DWR and CVRWQCB are monitoring. Three of six culvert slides gates were opened on the Fall Head of Old River barrier on 10/12 to help with circulation for this reason; three more were opened on 10/20. The latest field report showed that there has been a decrease in the bloom spread. The hope is that the bloom will be alleviated with the rain, colder temperatures, and opening of the culverts.
 - Fall Head of Old River Barrier currently has six culverts open and they will stay that way until the barrier is removed, scheduled to begin on 11/9. Removal should be done by 11/24.
 - Old River at Tracy barrier removal began on 10/19. It was breached on 10/20 and complete removal is expected to be done by 11/9.
 - Middle River barrier will be removed after Old River near Tracy barrier, beginning 11/8. Removal takes about ten days.
 - Grant Line Canal barrier removal will begin on 11/4 and should be done by 11/30.
 - Notching of the Middle River and Old River barriers for salmonid passage occurred on 9/12.
- Water Supply Index (WSI) forecast: May 1 forecast date (Water Supply Index (WSI) Forecast email, Andrew Reising, DWR, 5/9—last update for WY 2016)
 - 50% exceedance for Sacramento River Unimpaired Runoff WY forecast: 18.6 MAF (102% of average)
 - Forecasted 50% exceedance for Sacramento Valley Index is 7.1 (Below Normal).
 - Forecasted 75% exceedance for San Joaquin Valley Index is 2.4 (Dry).

- Temperature

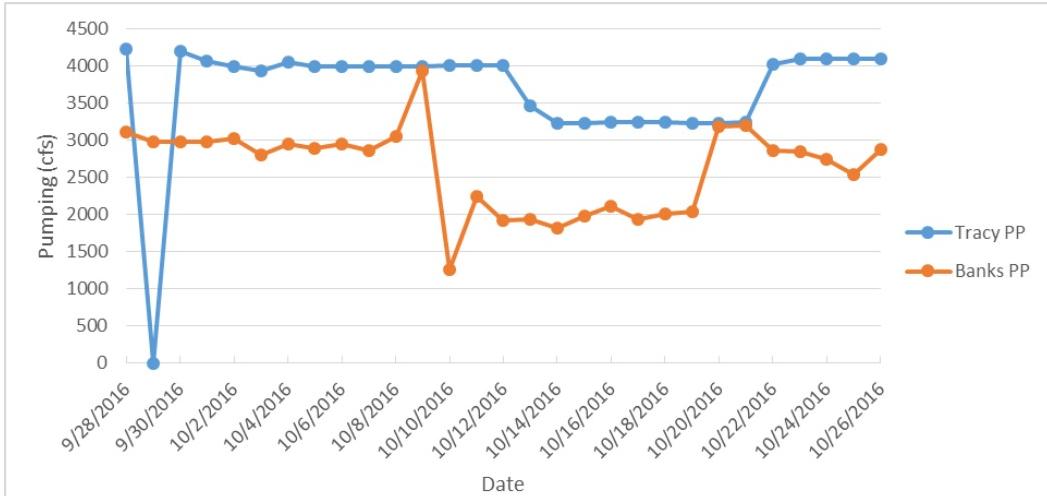


- Delta outflow index as of 10/27: ~3,500 cfs
 - October monthly outflow requirement is 4,000 cfs, with a 7-day average not less than 3,000 cfs. Status as of 10/26 is 6,697 cfs and 5,589 cfs, respectively.
 - November monthly outflow requirement is 4,500 cfs, with a 7-day average not less than 3,500 cfs.
- Total Delta inflow as of 10/27: ~11,785 cfs
 - Sacramento flow: 8,827 cfs
 - San Joaquin flow: 2,119 cfs
 - % inflow diverted (3-day average): 59.7%.
 - For % inflow diverted, July–January standard is 65%.

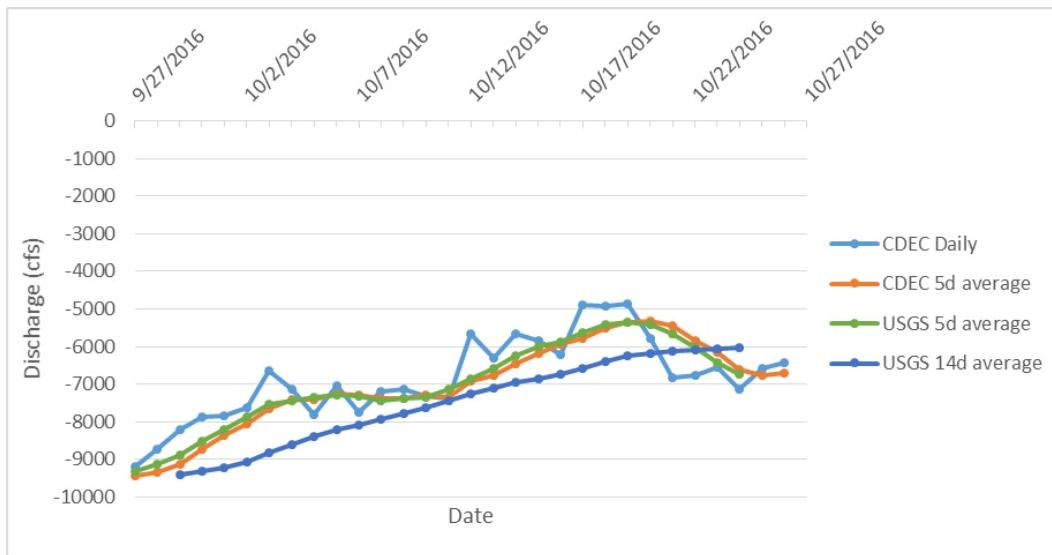


- Exports:

- 10/27 scheduled exports: 3,000 cfs Clifton Court inflow; 4,000 cfs Jones/Tracy PP.



- Tidally-filtered OMR:



REGULATORY

- Delta smelt
 - Current RPAs: n/a.
- Longfin smelt
 - Current RPAs: n/a.
- Salmonids
 - See below for relevant RPAs:

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
IV.1.1 (Monitoring and alerts to trigger changes in DCC operations)	"First alert"	Oct. - Apr.	(1) Mean daily flow >95 cfs in Mill or Deer Creek OR (2) Starting in Oct., an increase in tributary flow of >50% over levels immediately preceding flow spike -> indicates cues for emigration initiation.	Alert tripped on 10/14-10/17 (criterion 1) and 10/14 (criterion 2) (10/18 DOSS notes)	Either criterion can trigger the alert. Alert signals that gate operations might need alteration in near future to avoid diverting outmigrating Chinook.
	"Second alert"	.	(1) Water temp < 13.5°C at Knights Landing AND (2) Flows greater than 7,500 cfs at Wilkins Slough--> associated with recovering emigrating Chinook at Knights Landing.	Not triggered this WY (10/18 DOSS notes)	Alert triggered when both second alert criteria met.
IV.1.2 (DCC gate operations)	N/A	Oct. - Nov.	Fish present (criteria based on D1641 WQ standards, Knights Landing Catch Index, and Sacramento Catch Index).	Not triggered this WY (10/18 DOSS notes)	Gates closed if fish present. See 2011 amend., Encl. 2 (p. 62) for details on triggers.
		Dec. 1-14	1) If D-1641 WQ criteria met, DCC gates closed (unless NMFS approves Chinook experiment). 2) If WQ criteria are not met but both KLCI and SCI are <3 fish/d, DCC may be opened until WQ criteria met, then DCC will close within 24 hrs. 3) If WQ criteria are not met but either KLCI or SCI >3 fish/d, DOSS makes recommendation to NMFS and WOMT per Action IV.5 procedures (2011 amendment, Encl. 2 (p. 63)).		Gates closed, dependent on triggers.
		Dec. 15-Jan. 31	Gates may be opened for up to 5 days for NMFS-approved experiment, or for one-time event between Dec. 15-Jan. 5 when needed to maintain WQ in response to high tide coupled with low inflow.		Gates closed, dependent on triggers.
		Feb. - May 20	N/A		Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Nov. - Dec.	Catch index > 10 fish/d from either Knights Landing or Sacramento Catch Index.		In conjunction with two DCC-closure triggers (Action IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta.
	.		(1) Daily SWP/CVP older juvenile loss density > 8 fish/TAF. (2) Daily loss > 95 fish/d. (3) CNFH CWT late fall-run Chinook or LSNFH CWT winter-run cumulative loss > 0.5%.		When any trigger criterion met, reduce exports to combined 6,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.
	.		(1) Daily SWP/CVP older juvenile loss density > 15 fish/TAF. (2) Daily loss > 120 fish/d. (3) CNFH CWT LFR or LSNFH CWT WNT cumulative loss > 0.5%.		When any trigger criterion met, reduce exports to combined 4,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.

From: DCardoza@foley.com
Sent: Thursday, October 27, 2016 1:57 PM
To: jamaral@westlandswater.org; Birmingham Tom; Bernhardt David Longly; JWalsh@foley.com; JThomas@foley.com
Subject: Call on Friday

Gents

Jennifer nor I can be on the call. Please let us know if there is anything you need or that we need to know. Sorry for the inconvenience.

If you would like John to monitor we will have him jump on instead.

Dennis
Sent from my iPhone

Please excuse any auto correct errors

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From: Johnny Amaral
Sent: Thursday, October 27, 2016 1:07 PM
To: Bernhardt, David L.
Subject: Re: Available to chat in 20 minutes or so?

If you're available to talk between now and 2 PM PST please call me

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Oct 27, 2016, at 10:11 AM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

>
> I'm tied up for 2 hours
>
> David Bernhardt
>
>

>> On Oct 27, 2016, at 1:04 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:

>>
>>
>>
>>
>> Best,
>>
>> Johnny Amaral
>> Deputy General Manager - External Affairs
>> Westlands Water District
>>
>>
>
>

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From: Johnny Amaral
Sent: Thursday, October 27, 2016 10:14 AM
To: Bernhardt, David L.
Subject: Re: Available to chat in 20 minutes or so?

Ok. I talked to Lombardi. Call me when you're clear

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Oct 27, 2016, at 10:11 AM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

>
> I'm tied up for 2 hours
>
> David Bernhardt
>
>

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From: Bernhardt, David L.
Sent: Thursday, October 27, 2016 10:11 AM
To: Johnny Amaral
Subject: Re: Available to chat in 20 minutes or so?

I'm tied up for 2 hours

David Bernhardt

> On Oct 27, 2016, at 1:04 PM, Johnny Amaral <jamaral@westlandswater.org> wrote:

>
>
>
>
>
> Best,
>
> Johnny Amaral
> Deputy General Manager - External Affairs
> Westlands Water District
>
>

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From: Johnny Amaral
Sent: Thursday, October 27, 2016 10:05 AM
To: David Bernhardt
Subject: Available to chat in 20 minutes or so?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

From: Johnny Amaral
Sent: Tuesday, October 25, 2016 8:55 AM
To: 'Bernhardt, David L.'
Subject: RE: did you talk to Watts?

Call me at your convenience. 559-241-6238

From: Bernhardt, David L. [mailto:DBernhardt@BHFS.com]
Sent: Tuesday, October 25, 2016 8:55 AM
To: Johnny Amaral <jamaral@westlandswater.org>
Subject: Re: did you talk to Watts?

Yes.

David Bernhardt

On Oct 25, 2016, at 11:52 AM, Johnny Amaral <jamaral@westlandswater.org> wrote:

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From: Bernhardt, David L.
Sent: Tuesday, October 25, 2016 8:55 AM
To: Johnny Amaral
Subject: Re: did you talk to Watts?

Yes.

David Bernhardt

On Oct 25, 2016, at 11:52 AM, Johnny Amaral <jamaral@westlandswater.org> wrote:

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From: Johnny Amaral

Sent: Tuesday, October 25, 2016 8:52 AM

To: David Bernhardt

Subject: did you talk to Watts?

From: Johnny Amaral
Sent: Monday, October 24, 2016 11:08 AM
To: DCardoza@foley.com
CC: David Longly Bernhardt (dbernhardt@bhfs.com); drehberg@mercuryllc.com
Subject: Re: Are we doing a call today

I'm so sorry guys. I took a call from director Esajian this morning and we were on the phone for an hour and a half. Apologies

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

On Oct 24, 2016, at 10:10 AM, "DCardoza@foley.com" <DCardoza@foley.com> wrote:

Congressman Dennis A. Cardoza Ret

Foley & Lardner LLP

Suite 600
3000 K Street, NW
Washington, DC 20007-5109
Phone: 202.295-4015
Cell: [REDACTED] - [REDACTED]
Fax: 202.672.5399
Email: dcardoza@foley.com

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From: Denny Rehberg
Sent: Monday, October 24, 2016 10:19 AM
To: DCardoza@foley.com
CC: Bernhardt, David L.; Johnny Amaral
Subject: Re: Are we doing a call today

Ok. I give.

On Oct 24, 2016, at 11:18 AM, "DCardoza@foley.com" <DCardoza@foley.com> wrote:

Yep I'm out as well. Thanks

From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
Sent: Monday, October 24, 2016 1:17 PM
To: Denny Rehberg
Cc: Cardoza, Dennis A.; Johnny Amaral
Subject: Re: Are we doing a call today

I am too but I'm getting off.

David Bernhardt

On Oct 24, 2016, at 1:13 PM, Denny Rehberg <DRehberg@mercuryllc.com> wrote:

I'm on.

.....
<imagea683c9.JPG>
Denny Rehberg
Co-Chairman
(US Congressman 2001-2013)
300 Tingey Street SE | Suite 202
Washington, DC | 20003
202.261.4000 office | [REDACTED] mobile
www.mercuryllc.com

On Oct 24, 2016, at 11:11 AM, "DCardoza@foley.com" <DCardoza@foley.com> wrote:

Congressman Dennis A. Cardoza Ret
Foley & Lardner LLP
Suite 600
3000 K Street, NW
Washington, DC 20007-5109
Phone: 202.295-4015
Cell: [REDACTED]
Fax: 202.672.5399
Email: dcardoza@foley.com

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From: DCardoza@foley.com
Sent: Monday, October 24, 2016 10:18 AM
To: 'Bernhardt, David L.'; Denny Rehberg
CC: Johnny Amaral
Subject: RE: Are we doing a call today

Yep I'm out as well. Thanks

From: Bernhardt, David L. [mailto:DBernhardt@BHFS.com]
Sent: Monday, October 24, 2016 1:17 PM
To: Denny Rehberg
Cc: Cardoza, Dennis A.; Johnny Amaral
Subject: Re: Are we doing a call today

I am too but I'm getting off.

David Bernhardt

On Oct 24, 2016, at 1:13 PM, Denny Rehberg <DRehberg@mercuryllc.com> wrote:

I'm on.

.....
<imagea683c9.JPG>
Denny Rehberg
Co-Chairman
(US Congressman 2001-2013)
300 Tingey Street SE | Suite 202
Washington, DC | 20003
202.261.4000 office | [REDACTED] mobile
www.mercuryllc.com

On Oct 24, 2016, at 11:11 AM, "DCardoza@foley.com" <DCardoza@foley.com> wrote:

Congressman Dennis A. Cardoza Ret
Foley & Lardner LLP
Suite 600
3000 K Street, NW
Washington, DC 20007-5109
Phone: 202.295-4015
Cell: [REDACTED]
Fax: 202.672.5399
Email: dcardoza@foley.com

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From: Bernhardt, David L.
Sent: Monday, October 24, 2016 10:17 AM
To: Denny Rehberg
CC: DCardoza@foley.com; Johnny Amaral
Subject: Re: Are we doing a call today

I am too but I'm getting off.

David Bernhardt

On Oct 24, 2016, at 1:13 PM, Denny Rehberg <DRehberg@mercuryllc.com> wrote:

I'm on.

.....
<imagea683c9.JPG>
Denny Rehberg
Co-Chairman
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Washington, DC | 20003
202.261.4000 office | [REDACTED] mobile
www.mercuryllc.com

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Foley & Lardner LLP
Suite 600
3000 K Street, NW
Washington, DC 20007-5109
Phone: 202.295-4015
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Fax: 202.672.5399
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From: Denny Rehberg
Sent: Monday, October 24, 2016 10:12 AM
To: DCardoza@foley.com
CC: Johnny Amaral; David Longly Bernhardt (dbernhardt@bhfs.com)
Subject: Re: Are we doing a call today

I'm on.

Mercury.

Denny Rehberg
Co-Chairman
(US Congressman 2001-2013)
300 Tingey Street SE | Suite 202
Washington, DC | 20003
202.261.4000 office | [REDACTED] mobile
www.mercurylc.com

On Oct 24, 2016, at 11:11 AM, "DCardoza@foley.com" <DCardoza@foley.com> wrote:

Congressman Dennis A. Cardoza Ret

Foley & Lardner LLP
Suite 600
3000 K Street, NW
Washington, DC 20007-5109
Phone: 202.295-4015
Cell: [REDACTED]
Fax: 202.672.5399
Email: dcardoza@foley.com

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From: DCardoza@foley.com
Sent: Monday, October 24, 2016 10:11 AM
To: 'Johnny Amaral'; David Longly Bernhardt (dbernhardt@bhfs.com); drehberg@mercuryllc.com
Subject: Are we doing a call today

Congressman Dennis A. Cardoza Ret

Foley & Lardner LLP

Suite 600
3000 K Street, NW
Washington, DC 20007-5109
Phone: 202.295-4015
Cell: [REDACTED]
Fax: 202.672.5399
Email: dcardoza@foley.com

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From: Bernhardt, David L.
Sent: Monday, October 24, 2016 10:09 AM
To: Johnny Amaral
Subject: Call

Are you calling in for the Monday call?

David Bernhardt

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From: Jason Peltier

Sent: Monday, October 24, 2016 5:55 AM

To: Dennis Cardoza; Jennifer Walsh; David Bernhardt; Ara Azhderian; Johnny Amaral

Subject: In this California congressional district, water is more important than Donald Trump - LA Times

<http://www.latimes.com/politics/la-pol-ca-huerta-valadao-district-20161024-snap-story.html>

From: Holly Long

Sent: Thursday, October 20, 2016 2:17 PM

To: ara.azhderian@sldmwa.org; Carolyn Jensen; Chris White; David Bernhardt; Dennis Cardoza; Frances Brewster (FBrewster@valleywater.org); Frances Mizuno; Jason Nishijima; Jason Peltier (jason.peltier@sldmwa.org); Jon Rubin (Jon.Rubin@sldmwa.org); Judy Bendix; O'Hanlon, Daniel; pwilliams@westlandswater.org; sfong@sfcwa.org; Sheila Greene (sgreene@westlandswater.org); Steve Chedester; Tom Boardman (tboardman@apex.net)

Subject: Delta conditions report

Attachments: 2016-10-20-DeltaConditionsReport.docx

Hi everyone,

The Delta conditions report is attached.

Thank you,

Holly

Holly Long

Mosaic Associates

1690 San Pablo Avenue, Suite D

Pinole, CA 94564

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[REDACTED] cell

DELTA CONDITIONS REPORT, OCTOBER 20, 2016

Holly Long, SLDMWA

EXECUTIVE SUMMARY

- Operational constraint: Salinity management.
 - X2 today is >81 km (east of Collinsville).
 - Scheduled combined exports today are 6,450 cfs.
 - Outflow index today is ~13,000 cfs.
 - Yesterday's CDEC OMR values were -4,853 cfs (daily), -5,346 cfs (5-day), -6,299 cfs (14-day).
 - % inflow diverted today is 39.5% (3-day average).
- Salvage and ITLs, WY 2017
 - No salvage for listed species yet this water year (as of 10/19).
- Surveys/monitoring
 - **Delta smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=0 (overall FMWT index is sum of September–December indices).
 - **Longfin smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=3 (overall FMWT index is sum of September–December indices).
- Expectations
 - Removal of South Delta temporary barriers will begin on 10/19 and they will be fully removed by 11/30 or earlier.

DELTA CONDITIONS REPORT, OCTOBER 20, 2016

DELTA SMELT

- Salvage:

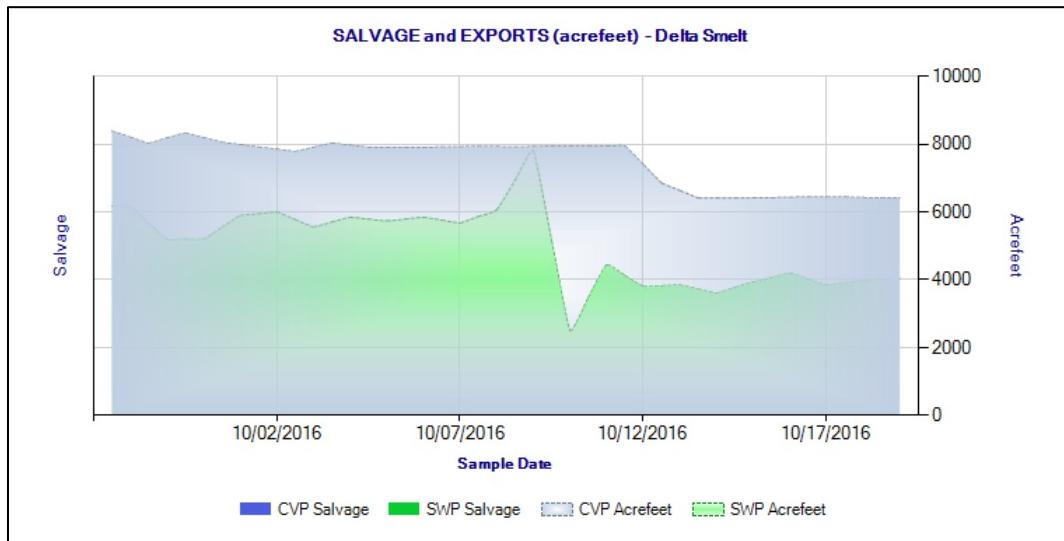


Figure: Recent delta smelt salvage (adults and juveniles) at both facilities (none in time period shown). Data through 10/19.

	Combined salvage as of 10/19/16	Concern level for WY 2017	ITL for WY 2017
Adult	0	Not yet known	
Juvenile	0	Not yet known	

- Fall Midwater Trawl index:

- September abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Summer Townet:**
 - The 2016 Summer Townet index for delta smelt was 0.

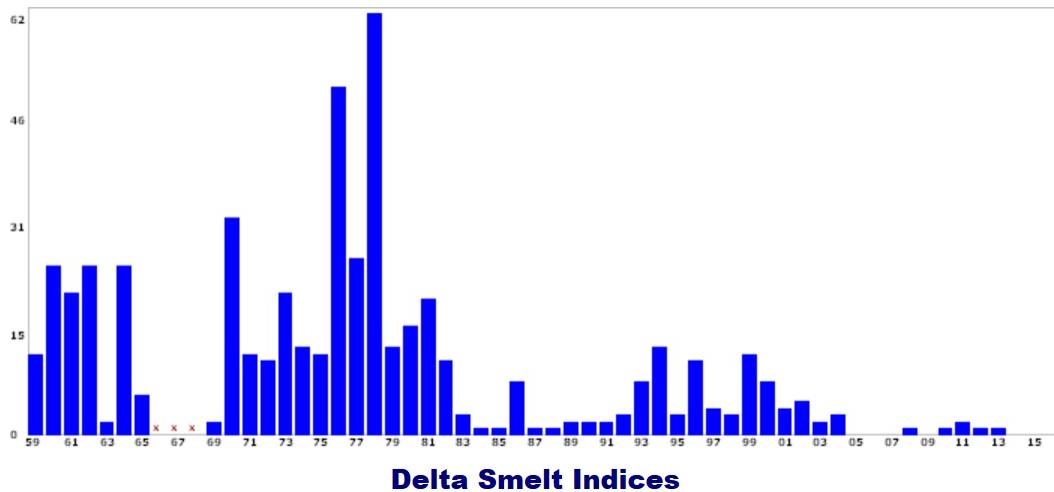


Figure: Summer Townet indices for delta smelt. Graph from <http://www.dfg.ca.gov/delta/data/townet/indices.asp?species=3>.

- **Bay Study:**

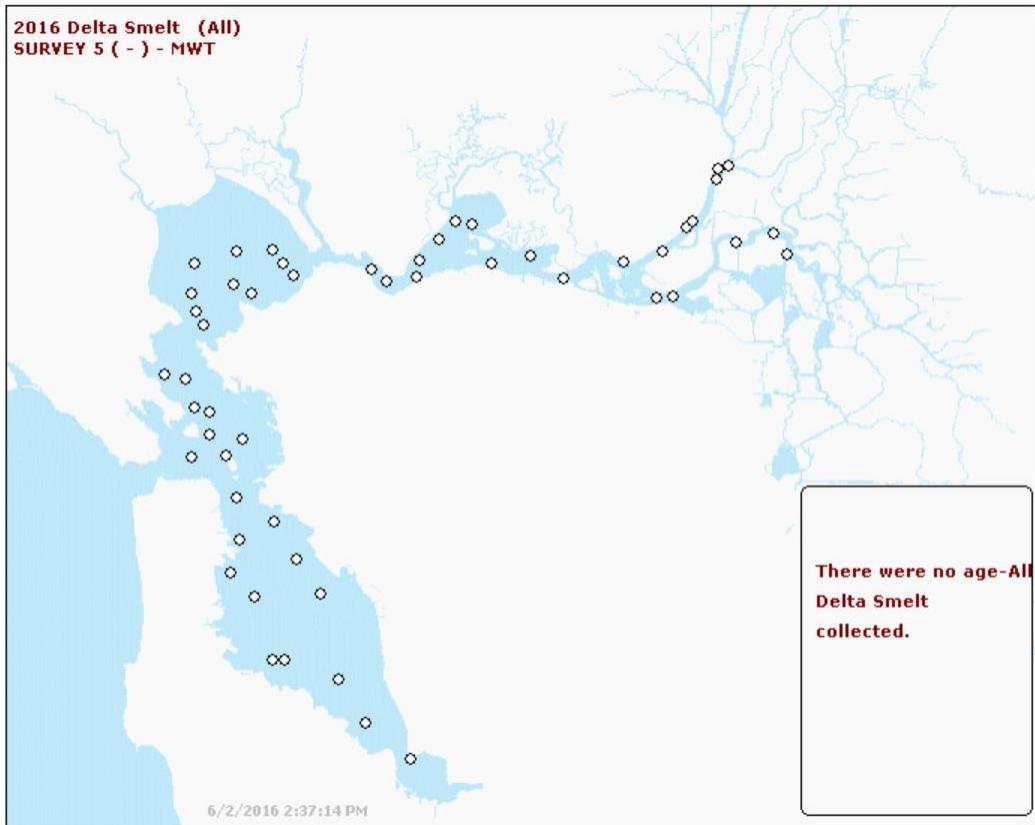


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey available). No delta smelt were caught in May.

LONGFIN SMELT

- **Salvage:**

- No salvage yet this WY (as of 10/19).

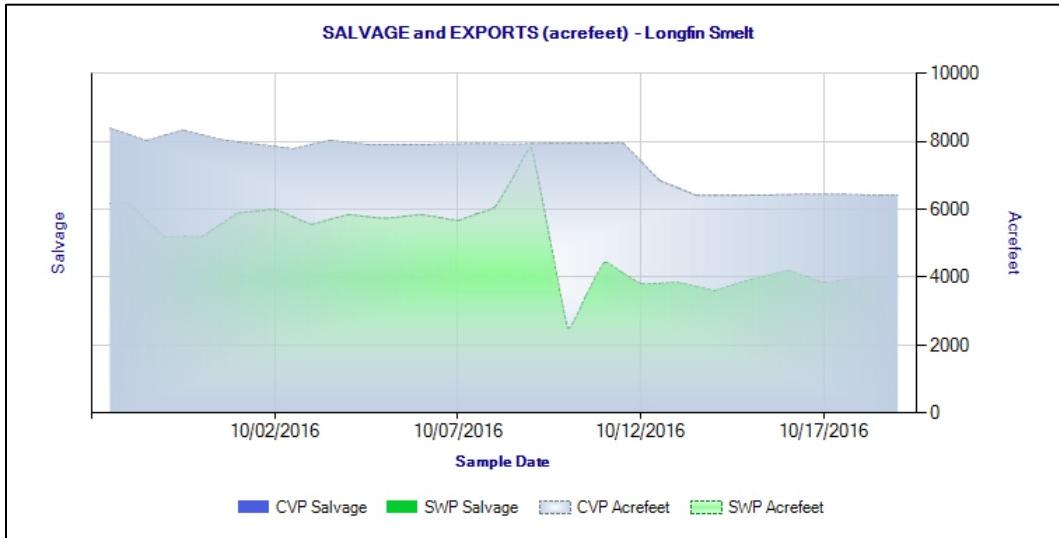


Figure: Recent longfin smelt salvage at both facilities (none in the time frame shown). Data through 10/19.

- **Fall Midwater Trawl index:**

- September abundance index=3 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Bay Study:**

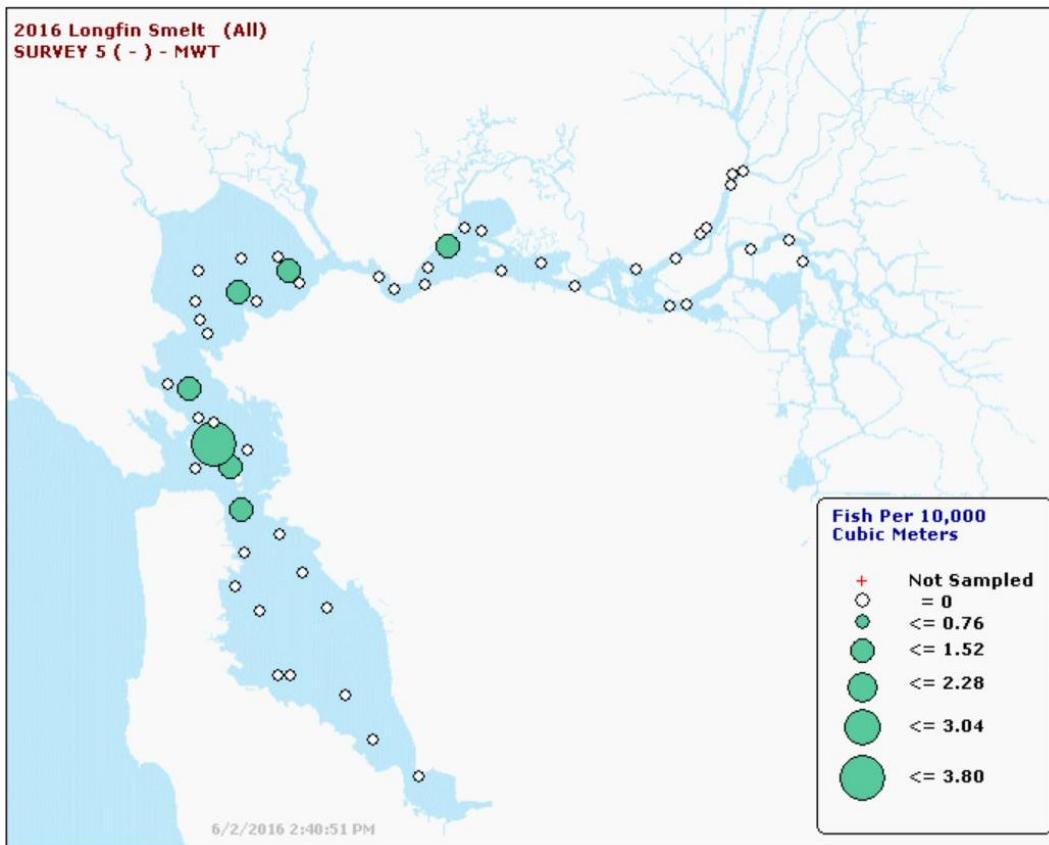


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May). Age-0 longfin smelt were caught in Suisun, San Pablo, and San Francisco Bays.

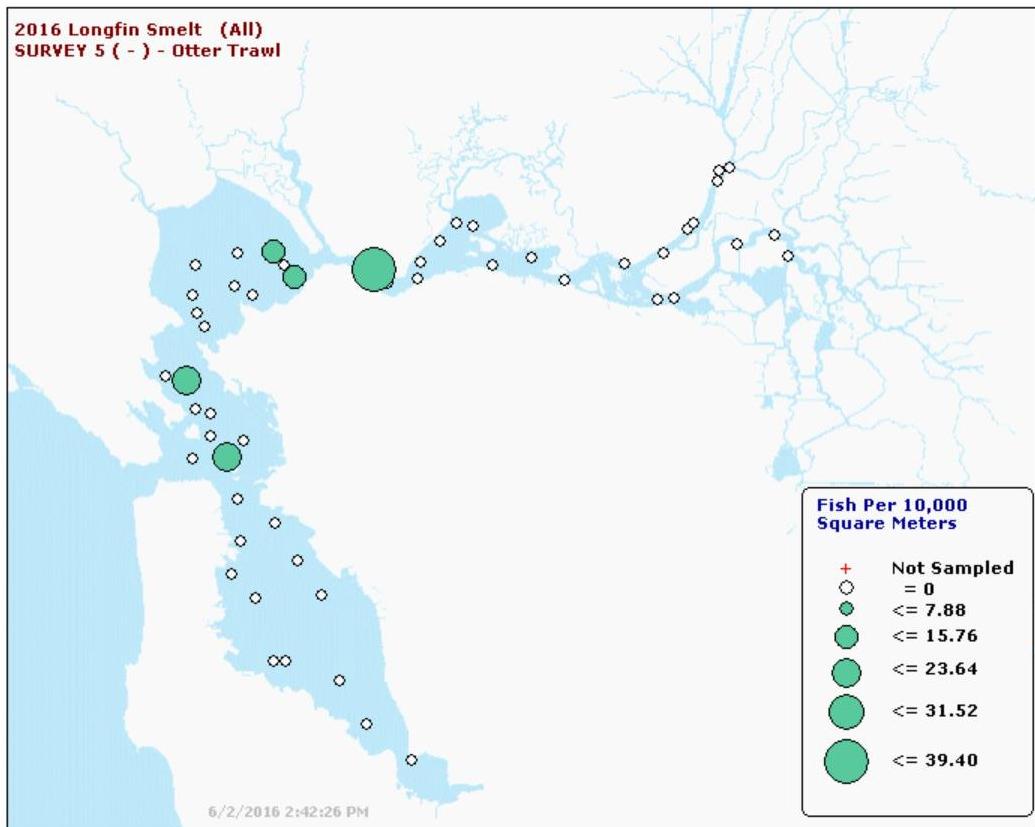


Figure: Monthly otter trawl (demersal/bottom), Survey 5 (May). Age-0 longfin smelt were caught in the Carquinez Strait, eastern San Pablo Bay, and San Francisco Bay.

CHINOOK SALMON

- **Salvage:**

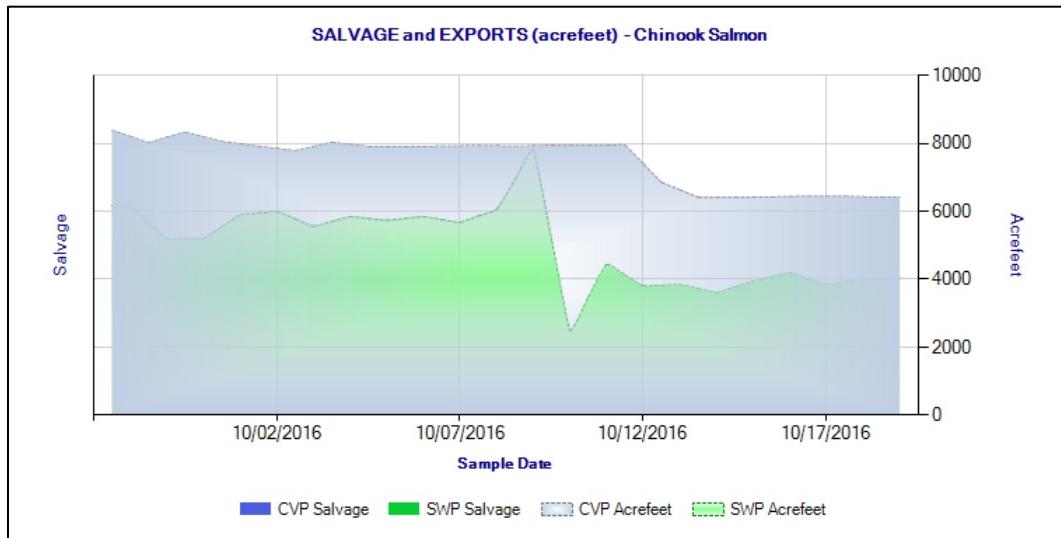


Figure: Recent Chinook salmon salvage at both facilities (all races; none in the time frame shown). Data through 10/19.

	Winter-run cumulative combined loss	Winter-run concern level for WY 2017	<u>Winter-run ITL</u> for WY 2017
Non-clipped (as of 10/19)	0	Not yet known	
Clipped (hatchery fish not yet released)	n/a	Not yet known	

Coleman NFH Late-fall-run surrogate group	Released spring-run surrogates	Cumulative combined loss	Spring-run surrogate concern level WY 2017 (0.5%)	<u>Spring-run surrogate ITL</u> WY 2017 (1%)
No releases yet this water year	n/a	n/a	n/a	n/a

- **DOSS estimates of fish distribution:** (B. Byrne, 10/18/16 email “For DAT: WY 2016 DOSS Annual Report, 11/18/16 DOSS update”)
 - Wild Winter-run: 96–99% yet to enter Delta, 1–4% in Delta, 0% exited Delta.

STEELHEAD

- Salvage:

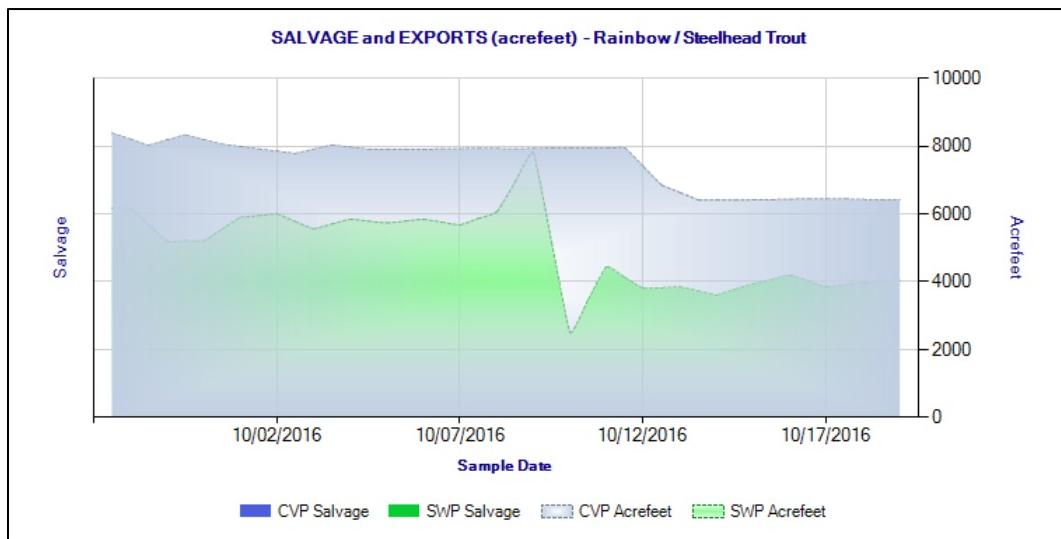


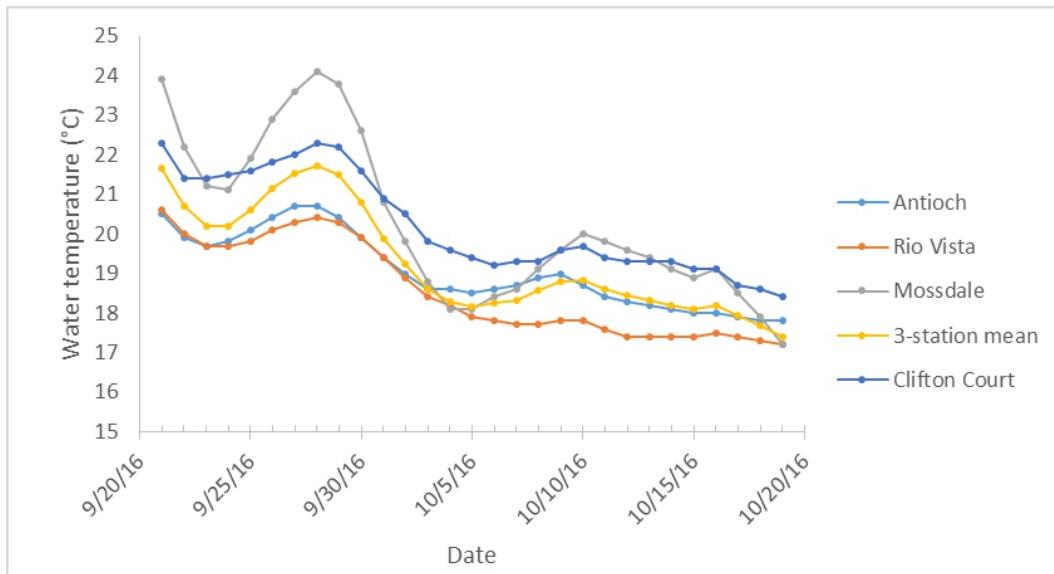
Figure: Recent steelhead salvage at both facilities (clipped and non-clipped; none in time period shown).
Data through 10/19.

	Cumulative combined salvage for WY 2017 as of 10/19/16	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	0	1,500	3,000

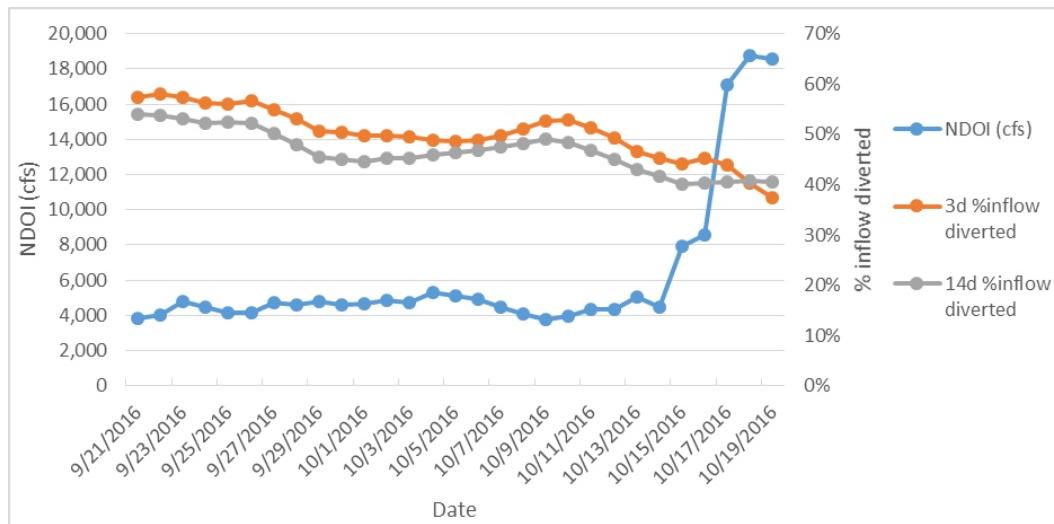
PHYSICAL CONDITIONS

- Currently controlling operations: Salinity management.
- Location of X2, 10/20: >81 km (east of Collinsville).
- DCC status, 10/20: Open.
- Turbidity (at sites in delta smelt BiOp)
 - Three-day mean Prisoner's Point: 4.1 NTU on 10/19
 - Three-day mean Holland Cut: 1.0 NTU on 10/19
 - Three-day mean Victoria Canal: 1.9 NTU on 10/19
- South Delta temporary barriers update: October 14 (Email from Michelle Wong, DWR, 10/14)
 - Harmful algal bloom present in the South Delta near the barrier sites. DWR and CVRWQCB are monitoring. Three of six culvert slides gates were opened on the Fall Head of Old River barrier on 10/12 to help with circulation for this reason.
 - Fall Head of Old River Barrier closed on September 27. Removal will begin on 11/9 and should be done by 11/24.
 - Old River at Tracy barrier flap gates are tidally operating, since 4/1. Removal will begin on 10/19 and should be done by 11/8.
 - Middle River barrier flap gates are tidally operating, since 4/1. DWR raised the crest of the barrier by one foot on 6/22 for irrigation demands. Removal will begin on 11/8 and should be done by 11/18.
 - Grant Line Canal barrier was fully closed on 6/8. All flap gates operate tidally as of 6/17. Removal will begin on 11/4 and should be done by 11/30.
 - Notching of the Middle River and Old River barriers for salmonid passage occurred on 9/12.
- Water Supply Index (WSI) forecast: May 1 forecast date (Water Supply Index (WSI) Forecast email, Andrew Reising, DWR, 5/9—last update for WY 2016)
 - 50% exceedance for Sacramento River Unimpaired Runoff WY forecast: 18.6 MAF (102% of average)
 - Forecasted 50% exceedance for Sacramento Valley Index is 7.1 (Below Normal).
 - Forecasted 75% exceedance for San Joaquin Valley Index is 2.4 (Dry).

- Temperature



- Delta outflow index as of 10/20: ~13,000 cfs
 - October monthly outflow requirement is 4,000 cfs, with a 7-day average not less than 3,000 cfs. Status as of 10/19 is 7,105 cfs and 11,497 cfs, respectively.
- Total Delta inflow as of 10/20: ~13,690 cfs
 - Sacramento flow: 10,989 cfs
 - San Joaquin flow: 1,583 cfs
 - % inflow diverted (3-day average): 39.5%.
 - For % inflow diverted, July–January standard is 65%.

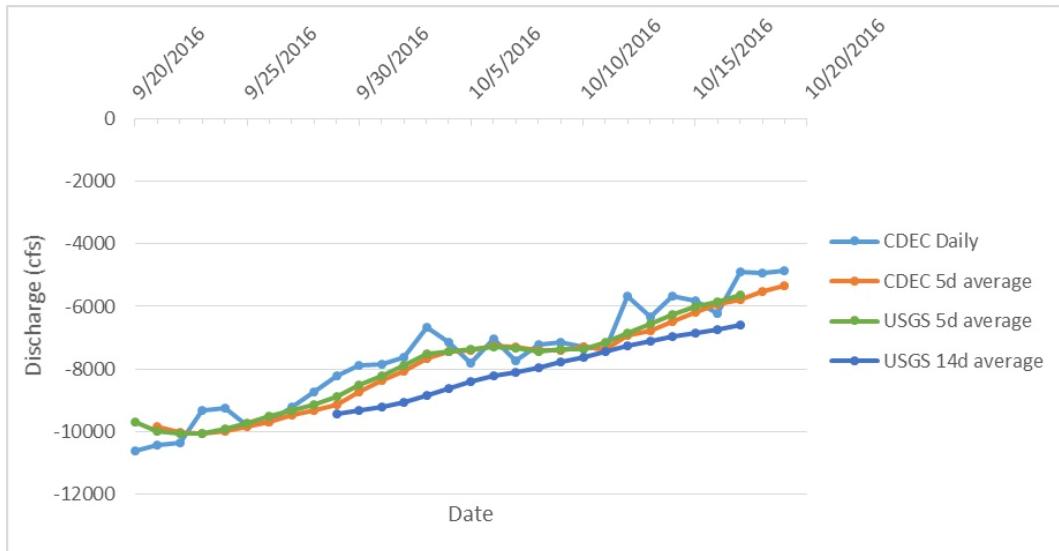


- Exports:

- 10/20 scheduled exports: 3,250 cfs Clifton Court inflow; 3,200 cfs Jones/Tracy PP.



- Tidally-filtered OMR:



REGULATORY

- Delta smelt
 - Current RPAs: n/a.
- Longfin smelt
 - Current RPAs: n/a.
- Salmonids
 - See below for relevant RPAs:

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
IV.1.1 (Monitoring and alerts to trigger changes in DCC operations)	"First alert"	Oct. - Apr.	(1) Mean daily flow >95 cfs in Mill or Deer Creek OR (2) Starting in Oct., an increase in tributary flow of >50% over levels immediately preceding flow spike -> indicates cues for emigration initiation.	Alert tripped based on criterion (1) on 10/14-10/17; no DCC action required, it is just an alert (B. Byrne, 10/18/16 DOSS update for DAT)	Either criterion can trigger the alert. Alert signals that gate operations might need alteration in near future to avoid diverting outmigrating Chinook.
	"Second alert"		(1) Water temp < 13.5°C at Knights Landing AND (2) Flows greater than 7,500 cfs at Wilkins Slough--> associated with recovering emigrating Chinook at Knights Landing.		Alert triggered when both second alert criteria met.
IV.1.2 (DCC gate operations)	N/A	Oct. - Nov.	Fish present (criteria based on D1641 WQ standards, Knights Landing Catch Index, and Sacramento Catch Index).	Not met in past week (B. Byrne, 10/18/16 DOSS update for DAT)	Gates closed if fish present. See 2011 amend., Encl. 2 (p. 62) for details on triggers.
		Dec. 1-14	1) If D-1641 WQ criteria met, DCC gates closed (unless NMFS approves Chinook experiment). 2) If WQ criteria are not met but both KLCI and SCI are <3 fish/d, DCC may be opened until WQ criteria met, then DCC will close within 24 hrs. 3) If WQ criteria are not met but either KLCI or SCI >3 fish/d, DOSS makes recommendation to NMFS and WOMT per Action IV.5 procedures (2011 amendment, Encl. 2 (p. 63)).		Gates closed, dependent on triggers.
		Dec. 15-Jan. 31	Gates may be opened for up to 5 days for NMFS-approved experiment, or for one-time event between Dec. 15-Jan. 5 when needed to maintain WQ in response to high tide coupled with low inflow.		Gates closed, dependent on triggers.
		Feb. - May 20	N/A		Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Nov. - Dec.	Catch index > 10 fish/d from either Knights Landing or Sacramento Catch Index.		In conjunction with two DCC-closure triggers (Action IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta.
			(1) Daily SWP/CVP older juvenile loss density > 8 fish/TAF. (2) Daily loss > 95 fish/d. (3) CNFH CWT late fall-run Chinook or LSNFH CWT winter-run cumulative loss > 0.5%.		When any trigger criterion met, reduce exports to combined 6,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.
			(1) Daily SWP/CVP older juvenile loss density > 15 fish/TAF. (2) Daily loss > 120 fish/d. (3) CNFH CWT LFR or LSNFH CWT WNT cumulative loss > 0.5%.		When any trigger criterion met, reduce exports to combined 4,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.

From: Karen Clark
Sent: Tuesday, October 18, 2016 3:27 PM
To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Ed Manning'; 'Gayle Holman'; Jennifer Walsh; Johnny Amaral; 'Mike Burns'; Sheila Greene
Subject: Friday's PR/Legislation Conference Call

All,

Tom will be on vacation so we will not have a PR/Legislation conference call this week. We'll resume the call next week.

Thanks!

~Karen
Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Holly Long

Sent: Thursday, October 13, 2016 4:29 PM

To: ara.azhderian@sldmwa.org; Carolyn Jensen; Chris White; David Bernhardt; Dennis Cardoza; Frances Brewster (FBrewster@valleywater.org); Frances Mizuno; Jason Nishijima; Jason Peltier (jason.peltier@sldmwa.org); Jon Rubin (Jon.Rubin@sldmwa.org); Judy Bendix; O'Hanlon, Daniel; pwilliams@westlandswater.org; sfong@sfcwa.org; Sheila Greene (sgreene@westlandswater.org); Steve Chedester; Tom Boardman (tboardman@apex.net)

Subject: Delta conditions report

Attachments: 2016-10-13-DeltaConditionsReport.docx

Hi everyone,

The Delta conditions report is attached.

Thank you,

Holly

Holly Long

Mosaic Associates

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holly@mosaicassociates.net

510.964.0394 office

510.964.0396 fax

[REDACTED] cell

DELTA CONDITIONS REPORT, OCTOBER 13, 2016

Holly Long, SLDMWA

EXECUTIVE SUMMARY

- Operational constraint: Salinity management.
 - X2 today is >81 km (east of Collinsville).
 - Scheduled combined exports today are 5,250 cfs.
 - Outflow index today is ~5,300 cfs.
 - Yesterday's CDEC OMR values were -5,653 cfs (daily), -6,934 cfs (5-day), -7,331 cfs (14-day).
 - % inflow diverted today is 45.9% (3-day average).
- Salvage and ITLs, WY 2017
 - No salvage for listed species yet this water year (as of 10/12).
- Surveys/monitoring
 - **Delta smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=0 (overall FMWT index is sum of September–December indices).
 - **Longfin smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=3 (overall FMWT index is sum of September–December indices).

DELTA CONDITIONS REPORT, OCTOBER 13, 2016

DELTA SMELT

- **Salvage:**

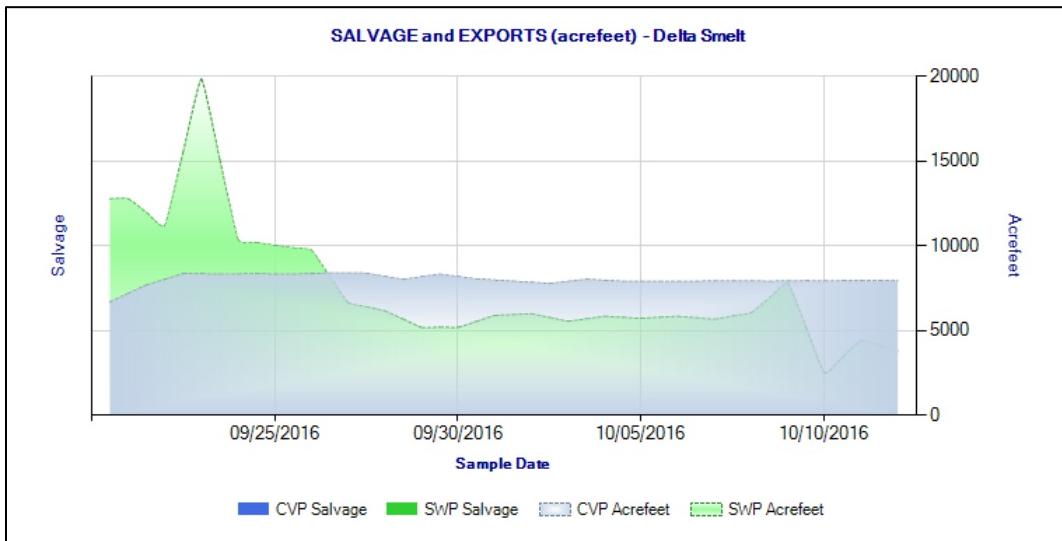


Figure: Recent delta smelt salvage (adults and juveniles) at both facilities (none in time period shown). Data through 10/12.

	Combined salvage as of 10/12/16	Concern level for WY 2017	ITL for WY 2017
Adult	0	Not yet known	
Juvenile	0	Not yet known	

- **Fall Midwater Trawl index:**

- September abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Summer Townet:**
 - The 2016 Summer Townet index for delta smelt was 0.

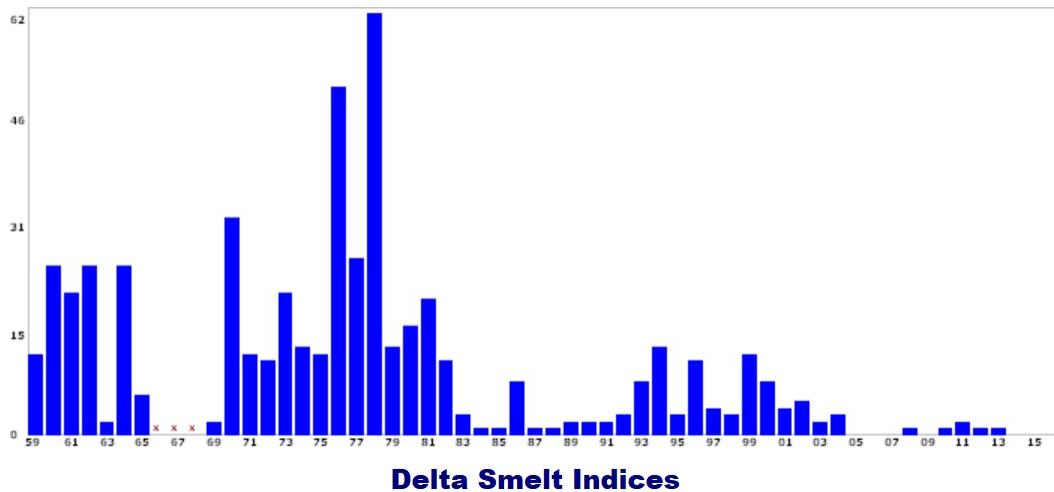


Figure: Summer Townet indices for delta smelt. Graph from <http://www.dfg.ca.gov/delta/data/townet/indices.asp?species=3>.

- **Bay Study:**

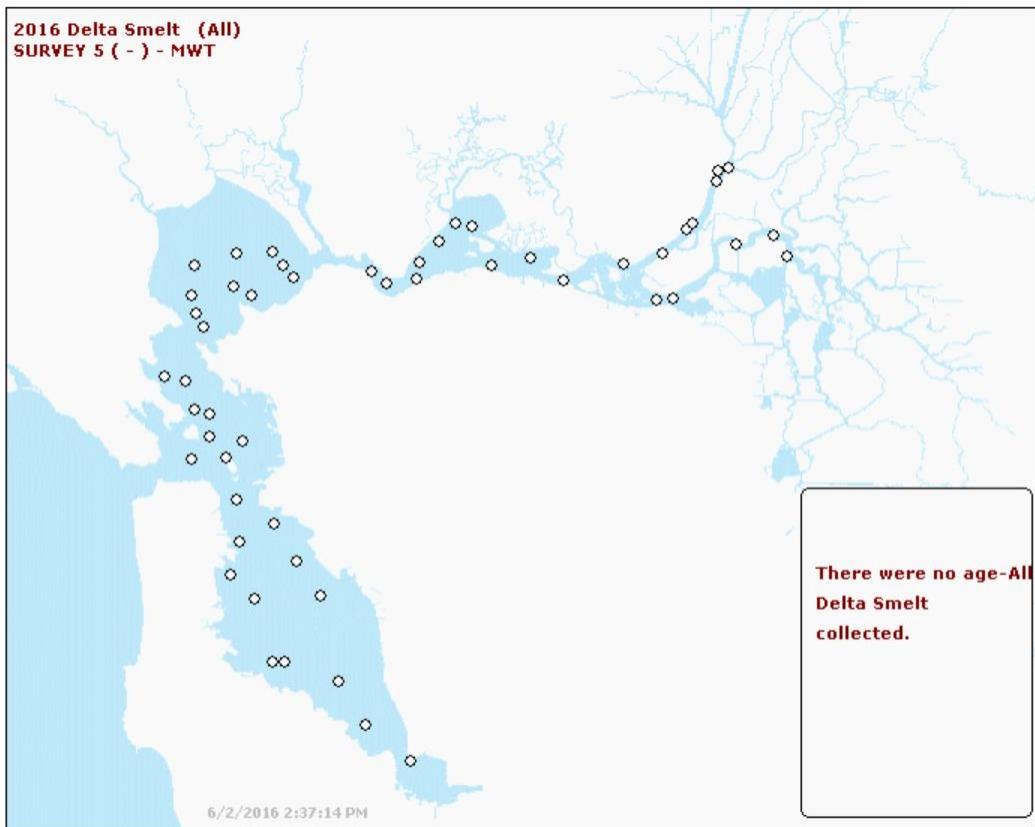


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey available). No delta smelt were caught in May.

LONGFIN SMELT

- **Salvage:**

- No salvage yet this WY (as of 10/12).

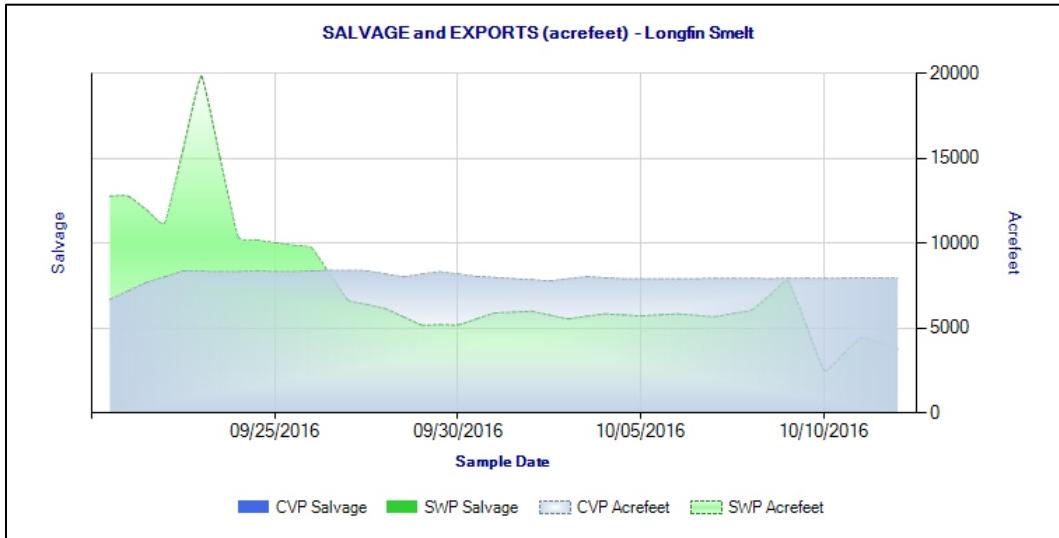


Figure: Recent longfin smelt salvage at both facilities (none in the time frame shown). Data through 10/12.

- **Fall Midwater Trawl index:**

- September abundance index=3 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Bay Study:**

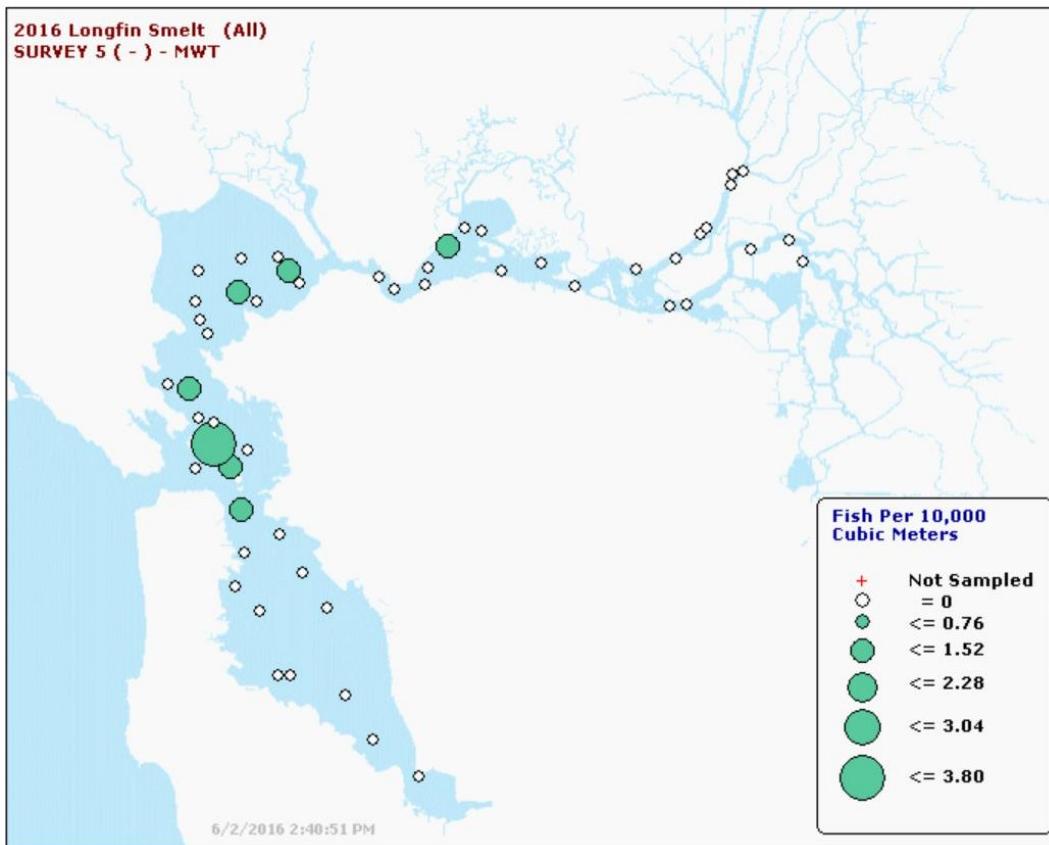


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May). Age-0 longfin smelt were caught in Suisun, San Pablo, and San Francisco Bays.

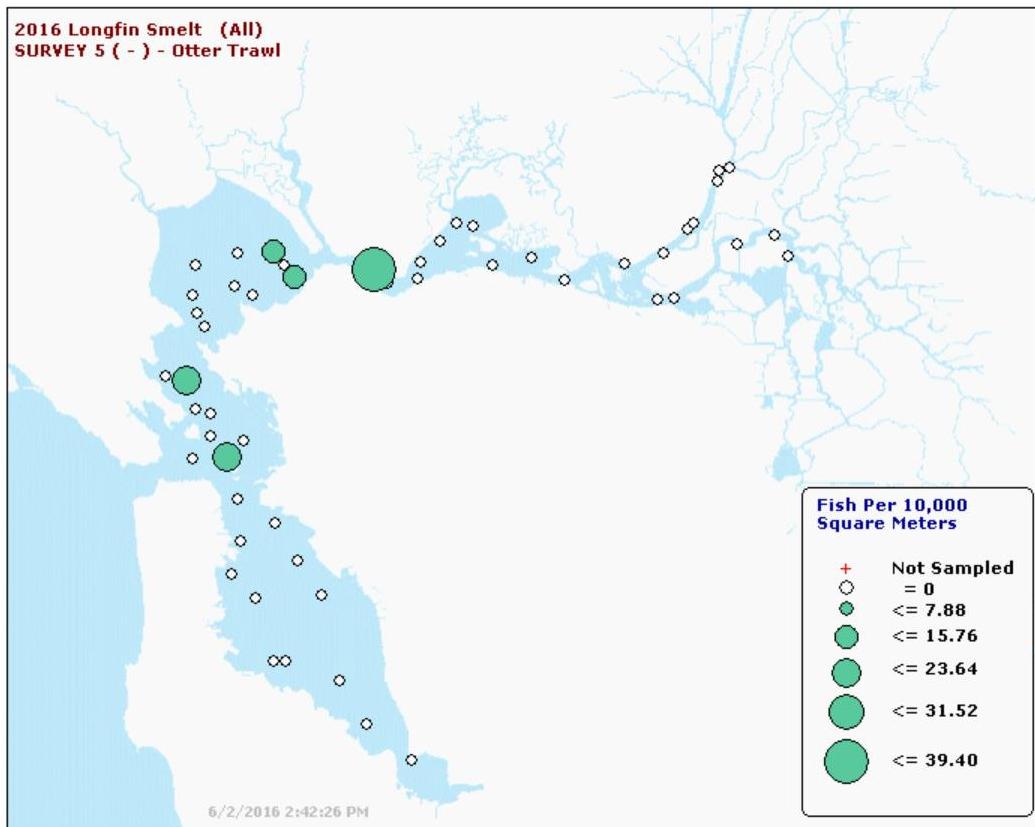


Figure: Monthly otter trawl (demersal/bottom), Survey 5 (May). Age-0 longfin smelt were caught in the Carquinez Strait, eastern San Pablo Bay, and San Francisco Bay.

CHINOOK SALMON

- **Salvage:**

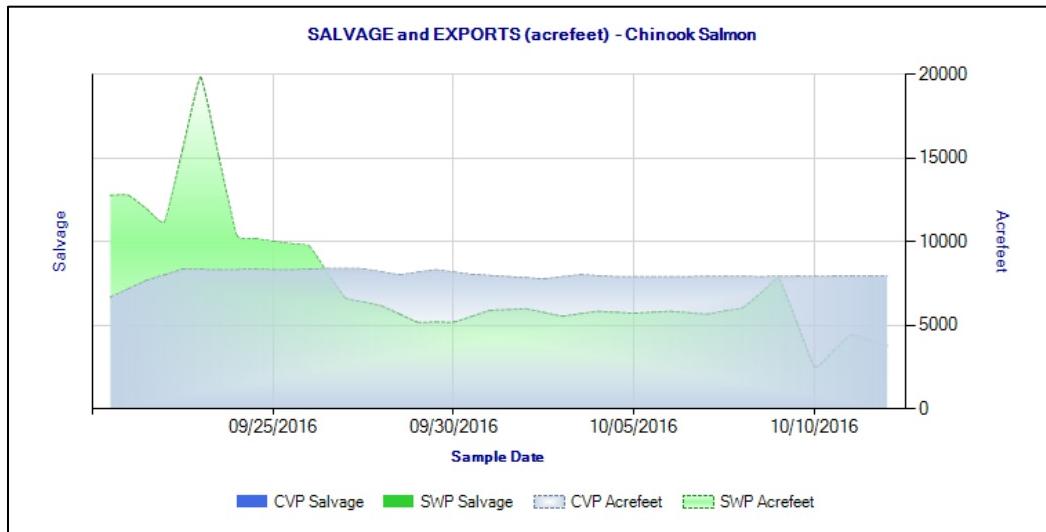


Figure: Recent Chinook salmon salvage at both facilities (all races; none in the time frame shown). Data through 10/12.

	Winter-run cumulative combined loss	Winter-run concern level for WY 2017	Winter-run ITL for WY 2017
Non-clipped (as of 10/12)	0	Not yet known	
Clipped (hatchery fish not yet released)	n/a	Not yet known	

Coleman NFH Late-fall-run surrogate group	Released spring-run surrogates	Cumulative combined loss	Spring-run surrogate concern level WY 2017 (0.5%)	Spring-run surrogate ITL WY 2017 (1%)
No releases yet this water year	n/a	n/a	n/a	n/a

STEELHEAD

- Salvage:

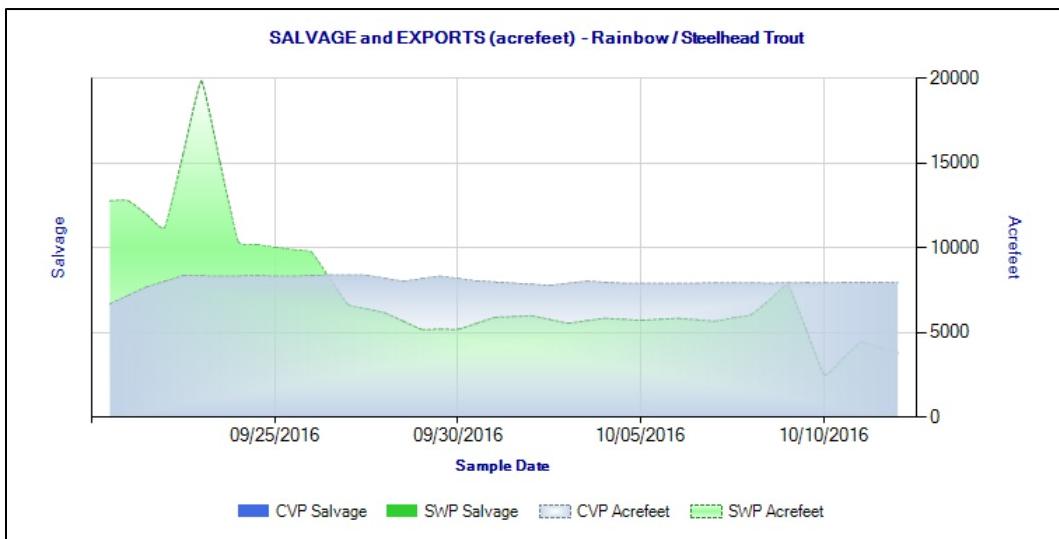
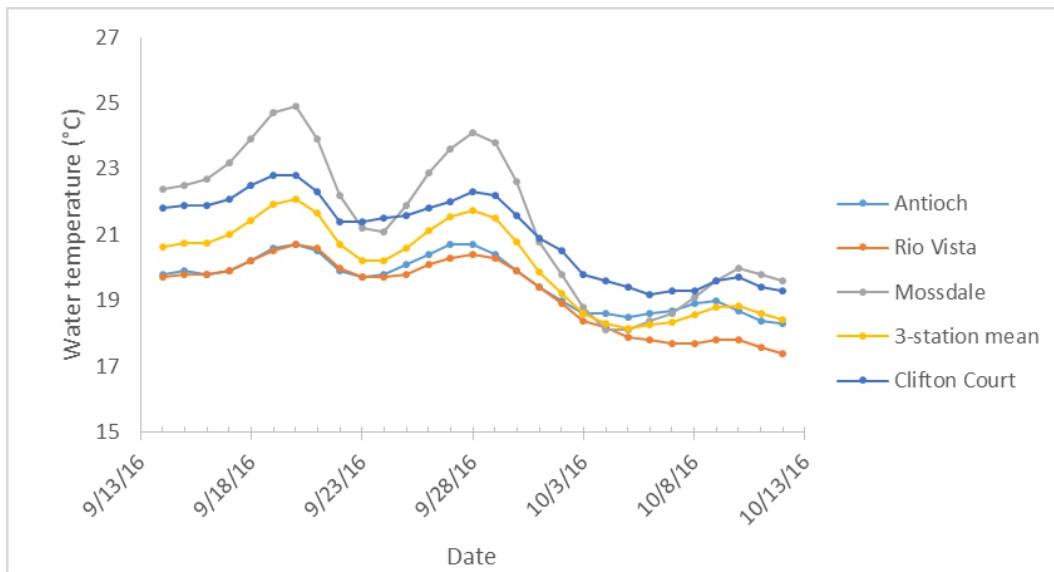


Figure: Recent steelhead salvage at both facilities (clipped and non-clipped; none in time period shown).
Data through 10/12.

	Cumulative combined salvage for WY 2017 as of 10/12/16	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	0	1,500	3,000

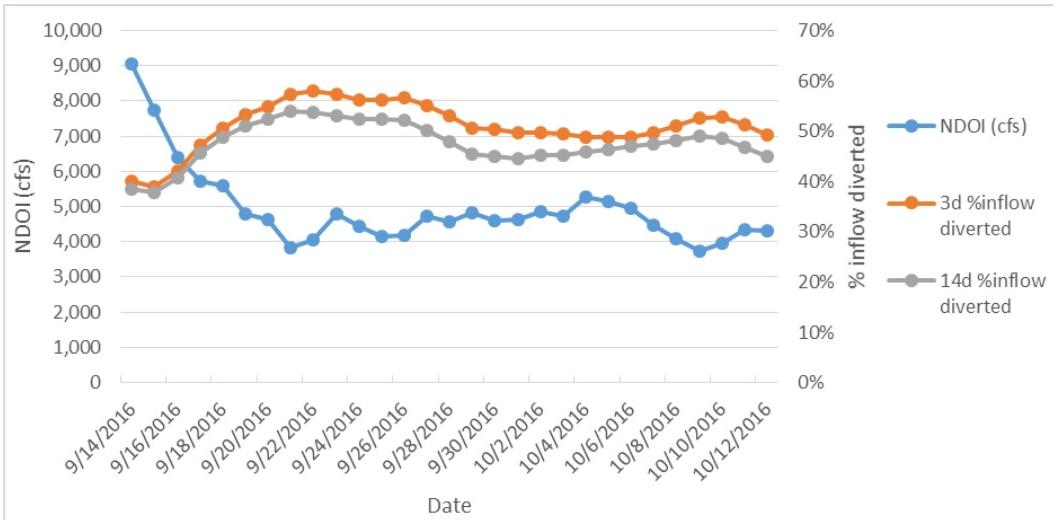
PHYSICAL CONDITIONS

- Currently controlling operations: Salinity management.
- Location of X2, 10/13: >81 km (east of Collinsville).
- DCC status, 10/13: Open.
- Turbidity (at sites in delta smelt BiOp)
 - Three-day mean Prisoner's Point: 3.6 NTU on 10/12
 - Three-day mean Holland Cut: 0.8 NTU on 10/12
 - Three-day mean Victoria Canal: 1.9 NTU on 10/12
- South Delta temporary barriers update: October 6 (Email from Simon Kwan, DWR, 10/6)
 - Fall Head of Old River Barrier closed on September 27.
 - Old River at Tracy barrier flap gates are tidally operating, since 4/1.
 - Middle River barrier flap gates are tidally operating, since 4/1. DWR raised the crest of the barrier by one foot on 6/22 for irrigation demands.
 - Grant Line Canal barrier was fully closed on 6/8. All flap gates operate tidally as of 6/17.
 - Notching of the Middle River and Old River barriers for salmonid passage occurred on 9/12.
 - Harmful algal bloom is near the barrier sites.
- Water Supply Index (WSI) forecast: May 1 forecast date (Water Supply Index (WSI) Forecast email, Andrew Reising, DWR, 5/9—last update for WY 2016)
 - 50% exceedance for Sacramento River Unimpaired Runoff WY forecast: 18.6 MAF (102% of average)
 - Forecasted 50% exceedance for Sacramento Valley Index is 7.1 (Below Normal).
 - Forecasted 75% exceedance for San Joaquin Valley Index is 2.4 (Dry).
- Temperature



- Delta outflow index as of 10/13: ~5,300 cfs

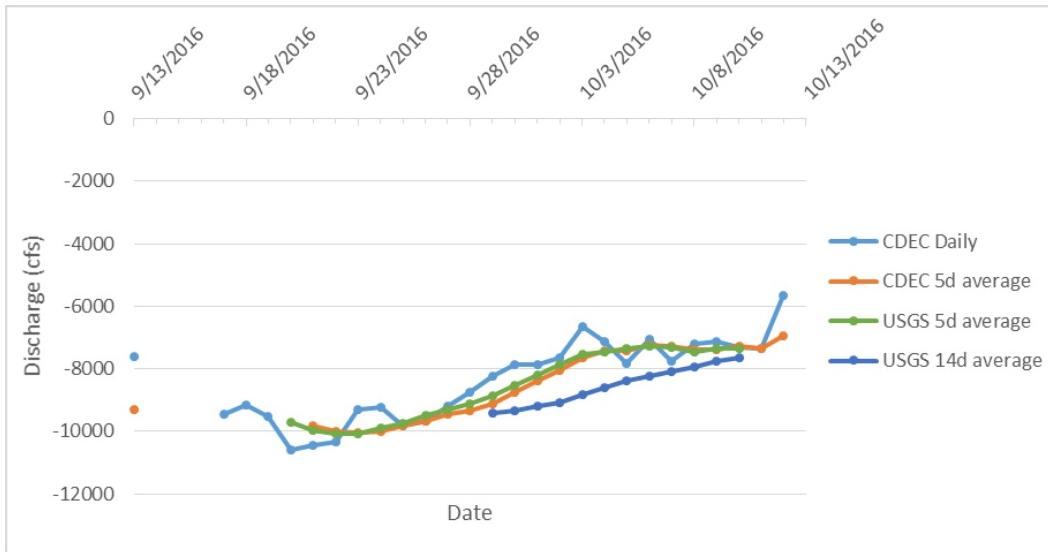
- October monthly outflow requirement is 4,000 cfs, with a 7-day average not less than 3,000 cfs. Status as of 10/12 is 4,542 cfs and 4,267 cfs, respectively.
- Total Delta inflow as of 10/13: ~12,573 cfs
 - Sacramento flow: 11,362 cfs
 - San Joaquin flow: 437 cfs
 - % inflow diverted (3-day average): 45.9%.
 - For % inflow diverted, July–January standard is 65%.



- Exports:
 - 10/13 scheduled exports: 2,000 cfs Clifton Court inflow; 3,250 cfs Jones/Tracy PP.



- Tidally-filtered OMR:



REGULATORY

- Delta smelt
 - Current RPAs: n/a.
- Longfin smelt
 - Current RPAs: n/a.
- Salmonids
 - See below for relevant RPAs:

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
IV.1.1 (Monitoring and alerts to trigger changes in DCC operations)	"First alert"	Oct. - Apr.	(1) Mean daily flow >95 cfs in Mill or Deer Creek OR (2) Starting in Oct., an increase in tributary flow of >50% over levels immediately preceding flow spike -> indicates cues for emigration initiation.		Either criterion can trigger the alert. Alert signals that gate operations might need alteration in near future to avoid diverting outmigrating Chinook.
	"Second alert"	.	(1) Water temp < 13.5°C at Knights Landing AND (2) Flows greater than 7,500 cfs at Wilkins Slough--> associated with recovering emigrating Chinook at Knights Landing.		Alert triggered when both second alert criteria met.
IV.1.2 (DCC gate operations)	N/A	Oct. - Nov.	Fish present (criteria based on D1641 WQ standards, Knights Landing Catch Index, and Sacramento Catch Index).		Gates closed if fish present. See 2011 amend., Encl. 2 (p. 62) for details on triggers.
		Dec. 1-14	1) If D-1641 WQ criteria met, DCC gates closed (unless NMFS approves Chinook experiment). 2) If WQ criteria are not met but both KLCI and SCI are <3 fish/d, DCC may be opened until WQ criteria met, then DCC will close within 24 hrs. 3) If WQ criteria are not met but either KLCI or SCI >3 fish/d, DOSS makes recommendation to NMFS and WOMT per Action IV.5 procedures (2011 amendment, Encl. 2 (p. 63)).		Gates closed, dependent on triggers.
		Dec. 15-Jan. 31	Gates may be opened for up to 5 days for NMFS-approved experiment, or for one-time event between Dec. 15-Jan. 5 when needed to maintain WQ in response to high tide coupled with low inflow.		Gates closed, dependent on triggers.
		Feb. - May 20	N/A		Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Nov. - Dec.	Catch index > 10 fish/d from either Knights Landing or Sacramento Catch Index.		In conjunction with two DCC-closure triggers (Action IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta.
	.		(1) Daily SWP/CVP older juvenile loss density > 8 fish/TAF. (2) Daily loss > 95 fish/d. (3) CNFH CWT late fall-run Chinook or LSNFH CWT winter-run cumulative loss > 0.5%.		When any trigger criterion met, reduce exports to combined 6,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.
	.		(1) Daily SWP/CVP older juvenile loss density > 15 fish/TAF. (2) Daily loss > 120 fish/d. (3) CNFH LFR or LSNFH CWT WNT cumulative loss > 0.5%.		When any trigger criterion met, reduce exports to combined 4,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.

From: Karen, Catherine
Sent: Tuesday, October 11, 2016 10:08 AM
To: DCardoza@foley.com; Amaral Johnny; Bernhardt David Longly; Rehberg Denny
Subject: RE: Are we doing the postponed call today?

I thought so but I had to jump off o will connect after.

Sent with Good Work (www.blackberry.com)

From: DCardoza@foley.com <DCardoza@foley.com>
Date: Tuesday, Oct 11, 2016, 1:03 PM
To: Amaral Johnny <jamaral@westlandswater.org>, Bernhardt David Longly <dbernhardt@bhfs.com>, Karen, Catherine <ckaren@sidley.com>, Rehberg Denny <drehberg@mercuryllc.com>
Subject: Are we doing the postponed call today?

Sent from my iPhone

Please excuse any auto correct errors

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If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

From: Johnny Amaral
Sent: Tuesday, October 11, 2016 10:08 AM
To: DCardoza@foley.com
CC: Bernhardt David Longly; Karen Catherine; Rehberg Denny
Subject: Re: Are we doing the postponed call today?

Sorry. I was on a call and couldn't get off. I'm calling in now

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Oct 11, 2016, at 10:03 AM, "DCardoza@foley.com" <DCardoza@foley.com> wrote:

>

>

>

> Sent from my iPhone

>

> Please excuse any auto correct errors

>

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From: Bernhardt, David L.
Sent: Tuesday, October 11, 2016 10:08 AM
To: Johnny Amaral
Subject: Call

Are we doing the Monday call today?

David Bernhardt

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From: DCardoza@foley.com
Sent: Tuesday, October 11, 2016 10:04 AM
To: Amaral Johnny; Bernhardt David Longly; Karen Catherine; Rehberg Denny
Subject: Are we doing the postponed call today?

Sent from my iPhone

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From: Johnny Amaral
Sent: Friday, October 7, 2016 9:52 AM
To: Bernhardt, David L.
Subject: Re: Forgot to ask you...

Word is good

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

> On Oct 7, 2016, at 9:49 AM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

>
> Do you need it in a particular format? For example, word, pdf etc.?

>
> -----Original Message-----
>

> From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]

> Sent: Friday, October 07, 2016 12:48 PM

> To: Bernhardt, David L.
> Subject: Forgot to ask you...

>
>
> Do you still have on file a copy of Sarah Woolf's testimony from when she testified before the Senate ENR committee?
>
> Best,
>
> Johnny Amaral
> Deputy General Manager - External Affairs
> Westlands Water District
>
>
>
>
> STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

From: Bernhardt, David L.
Sent: Friday, October 7, 2016 9:49 AM
To: 'Johnny Amaral'
Subject: RE: Forgot to ask you...

Do you need it in a particular format? For example, word, pdf etc.?

-----Original Message-----

From: Johnny Amaral [<mailto:jamaral@westlandswater.org>]
Sent: Friday, October 07, 2016 12:48 PM
To: Bernhardt, David L.
Subject: Forgot to ask you...

Do you still have on file a copy of Sarah Woolf's testimony from when she testified before the Senate ENR committee?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

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From: Johnny Amaral
Sent: Friday, October 7, 2016 9:48 AM
To: David Bernhardt
Subject: Forgot to ask you...

Do you still have on file a copy of Sarah Woolf's testimony from when she testified before the Senate ENR committee?

Best,

Johnny Amaral
Deputy General Manager - External Affairs
Westlands Water District

From: Holly Long

Sent: Thursday, October 6, 2016 1:28 PM

To: ara.azhderian@sldmwa.org; Carolyn Jensen; Chris White; David Bernhardt; Dennis Cardoza; Frances Brewster (FBrewster@valleywater.org); Frances Mizuno; Jason Nishijima; Jason Peltier (jason.peltier@sldmwa.org); Jon Rubin (Jon.Rubin@sldmwa.org); Judy Bendix; O'Hanlon, Daniel; pwilliams@westlandswater.org; sfong@sfcwa.org; Sheila Greene (sgreene@westlandswater.org); Steve Chedester; Tom Boardman (tboardman@apex.net)

Subject: Delta conditions report

Attachments: 2016-10-6-DeltaConditionsReport.docx

Hi everyone,

The Delta conditions report is attached.

Thank you,

Holly

Holly Long

Mosaic Associates

1690 San Pablo Avenue, Suite D

Pinole, CA 94564

holly@mosaicassociates.net

510.964.0394 office

510.964.0396 fax

[REDACTED] cell

DELTA CONDITIONS REPORT, OCTOBER 6, 2016

Holly Long, SLDMWA

EXECUTIVE SUMMARY

- Operational constraint: Salinity management.
 - X2 today is >81 km (east of Collinsville).
 - Scheduled combined exports today are 7,000 cfs.
 - Outflow index today is ~4,800 cfs.
 - Yesterday's CDEC OMR values were -7,823 cfs (daily), -7,419 cfs (5-day), -8,537 cfs (14-day).
 - % inflow diverted today is 48.8% (3-day average).
- Salvage and ITLs, WY 2017
 - No salvage for listed species yet this water year (as of 10/4).
- Surveys/monitoring
 - **Delta smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=0 (overall FMWT index is sum of September–December indices).
 - **Longfin smelt**, most recent surveys:
 - Fall Midwater Trawl: September abundance index=3 (overall FMWT index is sum of September–December indices).

DELTA CONDITIONS REPORT, OCTOBER 6, 2016

DELTA SMELT

- Salvage:

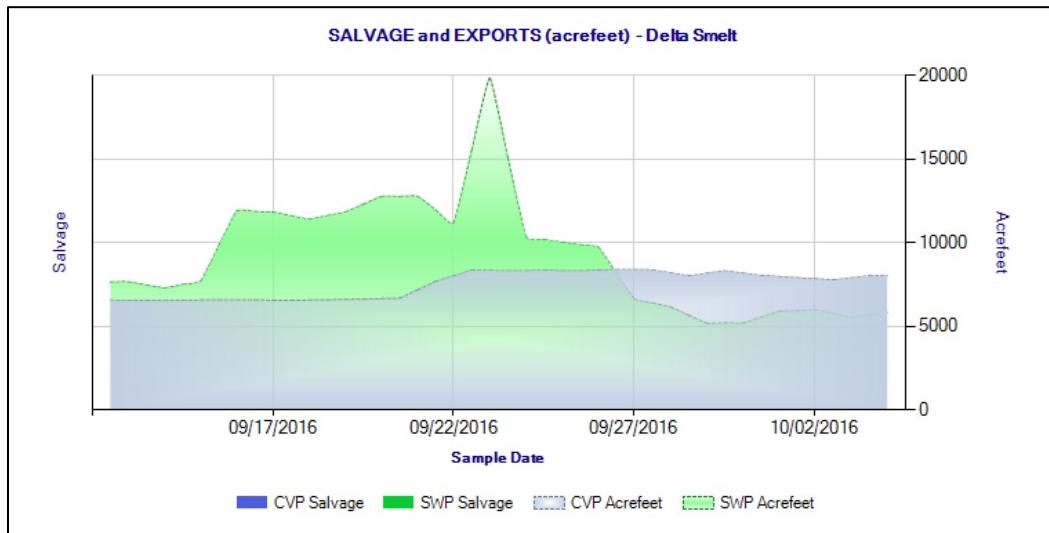


Figure: Recent delta smelt salvage (adults and juveniles) at both facilities (none in time period shown).
Data through 10/4.

	Combined salvage as of 10/4/16	Concern level for WY 2017	ITL for WY 2017
Adult	0	Not yet known	
Juvenile	0	Not yet known	

- Fall Midwater Trawl index:

- September abundance index=0 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Summer Townet:**
 - The 2016 Summer Townet index for delta smelt was 0.

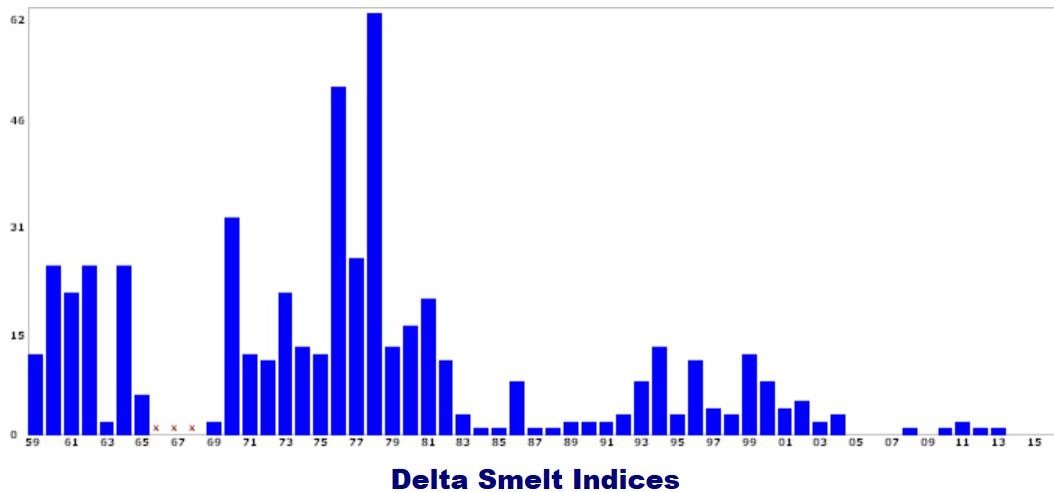


Figure: Summer Townet indices for delta smelt. Graph from <http://www.dfg.ca.gov/delta/data/townet/indices.asp?species=3>.

- **Bay Study:**

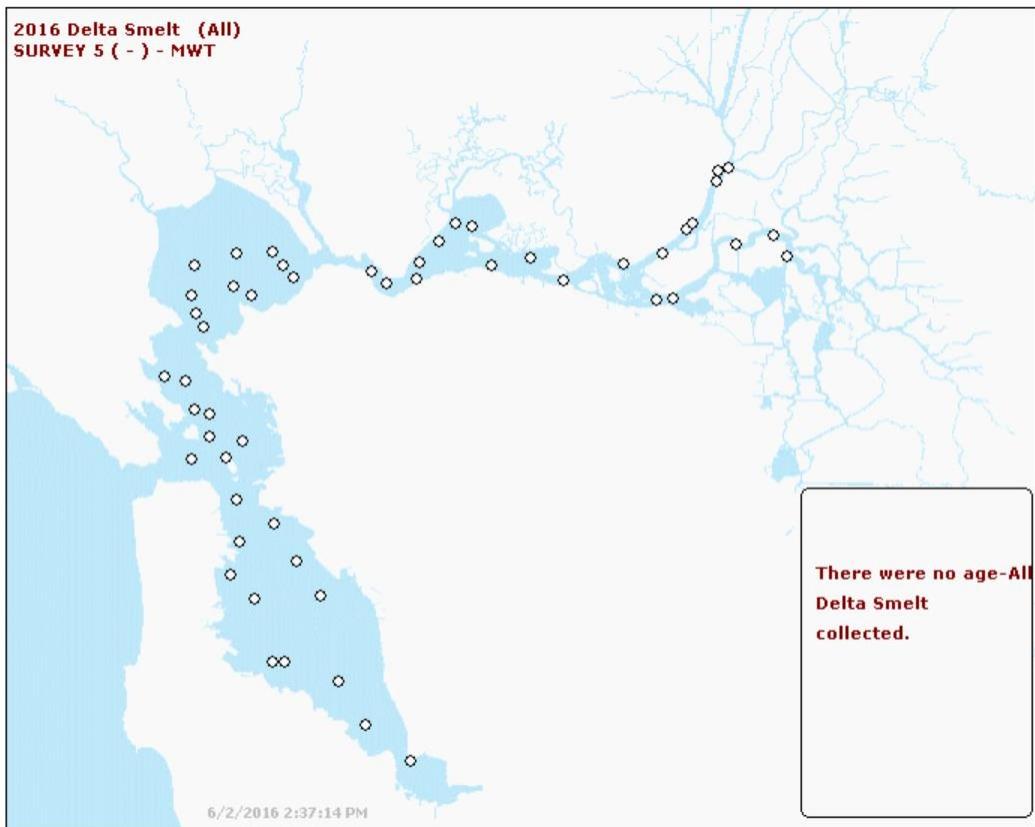


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May; most recent survey available). No delta smelt were caught in May.

LONGFIN SMELT

- **Salvage:**

- No salvage yet this WY (as of 10/4).

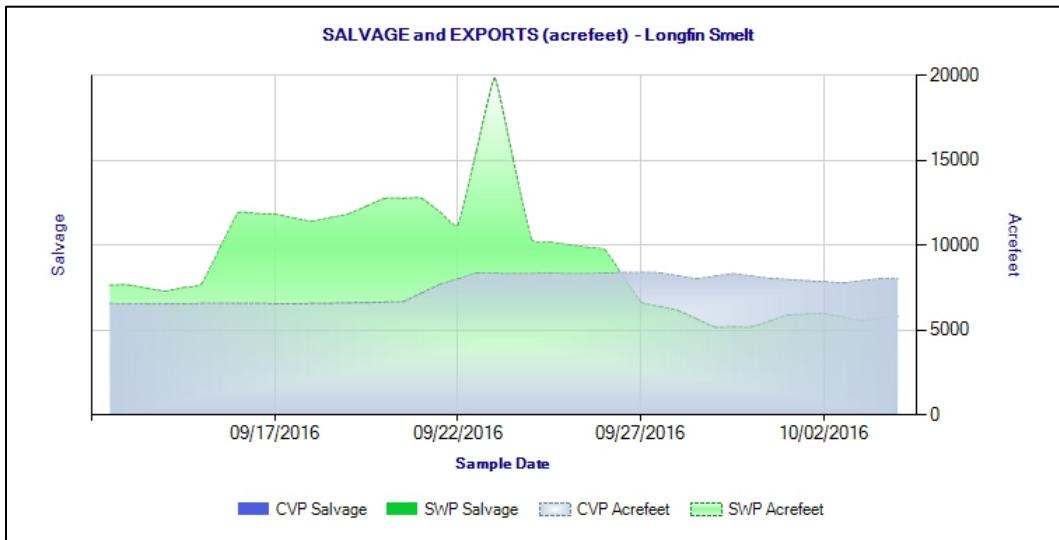


Figure: Recent longfin smelt salvage at both facilities (none in the time frame shown). Data through 10/4.

- **Fall Midwater Trawl index:**

- September abundance index=3 (for data table of historical record see <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). The annual FMWT index is the sum of September–December abundance indices.

- **Bay Study:**

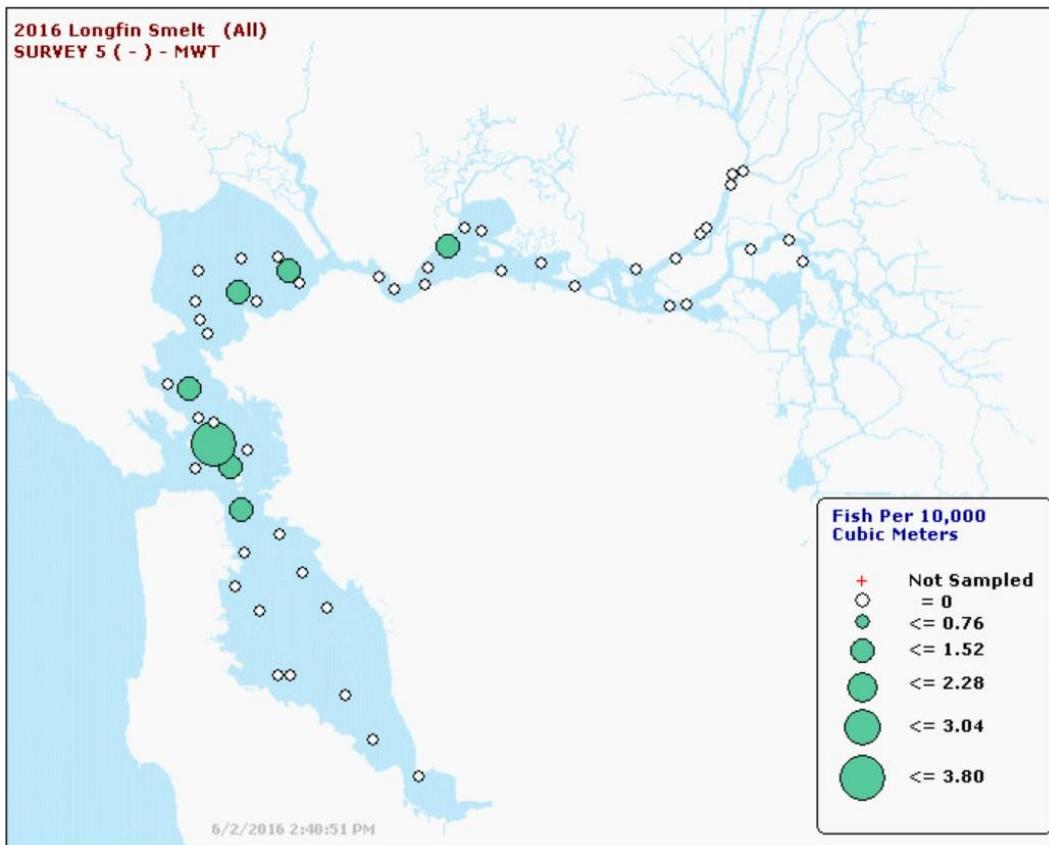


Figure: Monthly Mid water trawl (pelagic), Survey 5 (May). Age-0 longfin smelt were caught in Suisun, San Pablo, and San Francisco Bays.

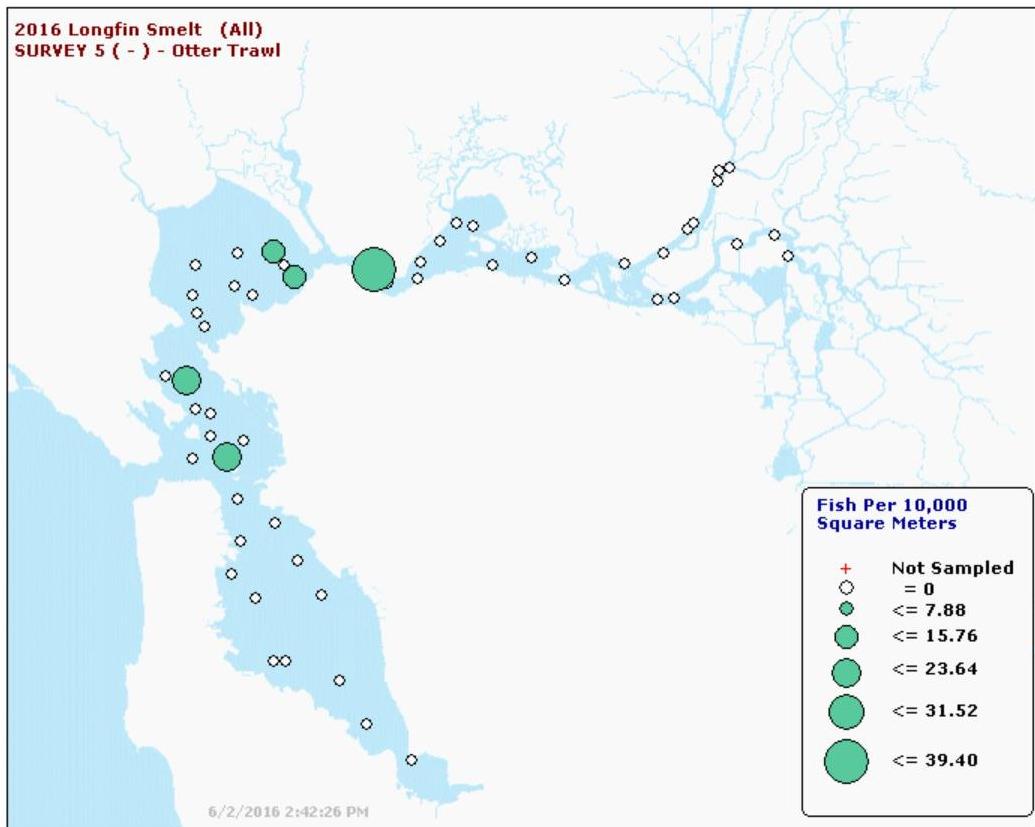


Figure: Monthly otter trawl (demersal/bottom), Survey 5 (May). Age-0 longfin smelt were caught in the Carquinez Strait, eastern San Pablo Bay, and San Francisco Bay.

CHINOOK SALMON

- **Salvage:**

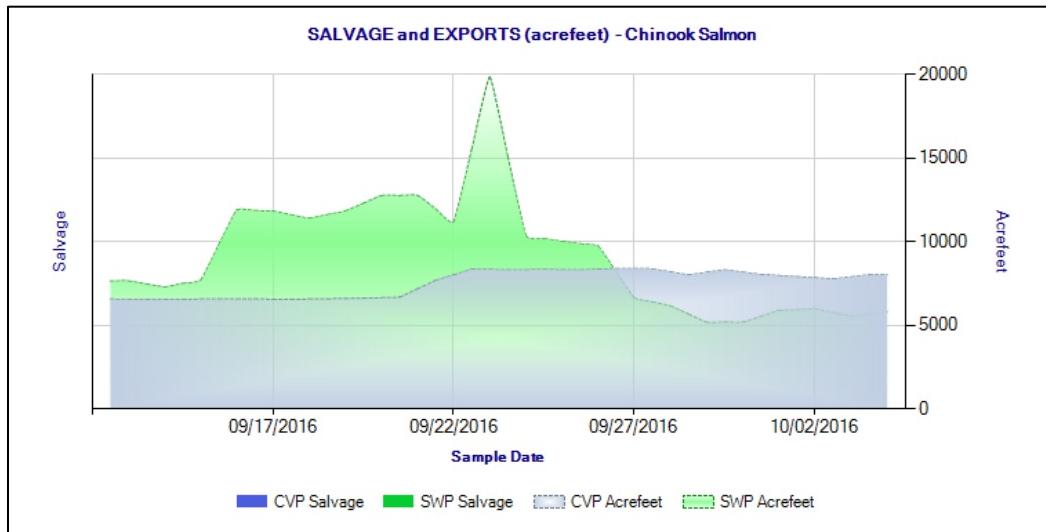


Figure: Recent Chinook salmon salvage at both facilities (all races; none in the time frame shown). Data through 10/4.

	Winter-run cumulative combined loss	Winter-run concern level for WY 2017	Winter-run ITL for WY 2017
Non-clipped (as of 10/4)	0	Not yet known	
Clipped (hatchery fish not yet released)	n/a	Not yet known	

Coleman NFH Late-fall-run surrogate group	Released spring-run surrogates	Cumulative combined loss	Spring-run surrogate concern level WY 2017 (0.5%)	Spring-run surrogate ITL WY 2017 (1%)
No releases yet this water year	n/a	n/a	n/a	n/a

STEELHEAD

- Salvage:

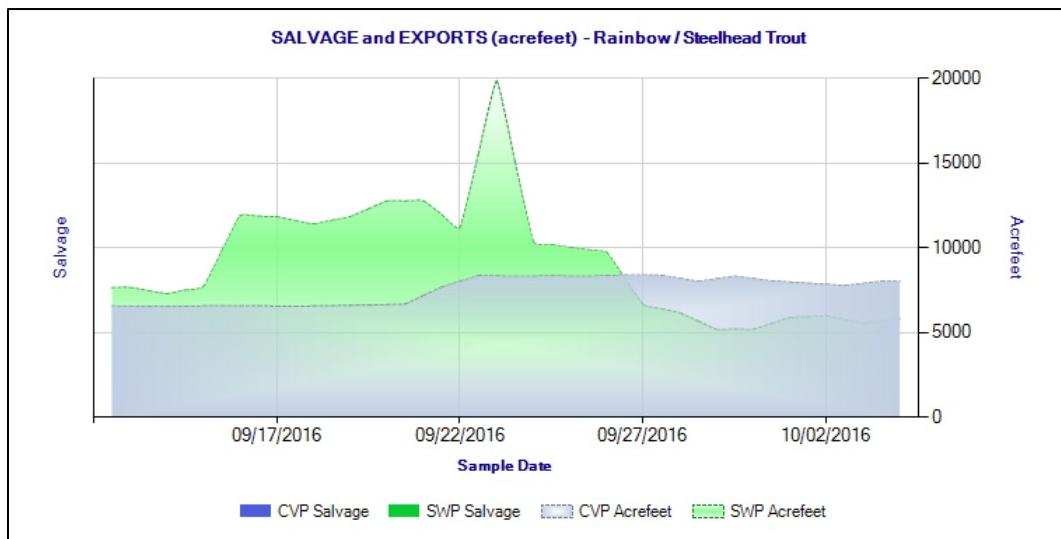
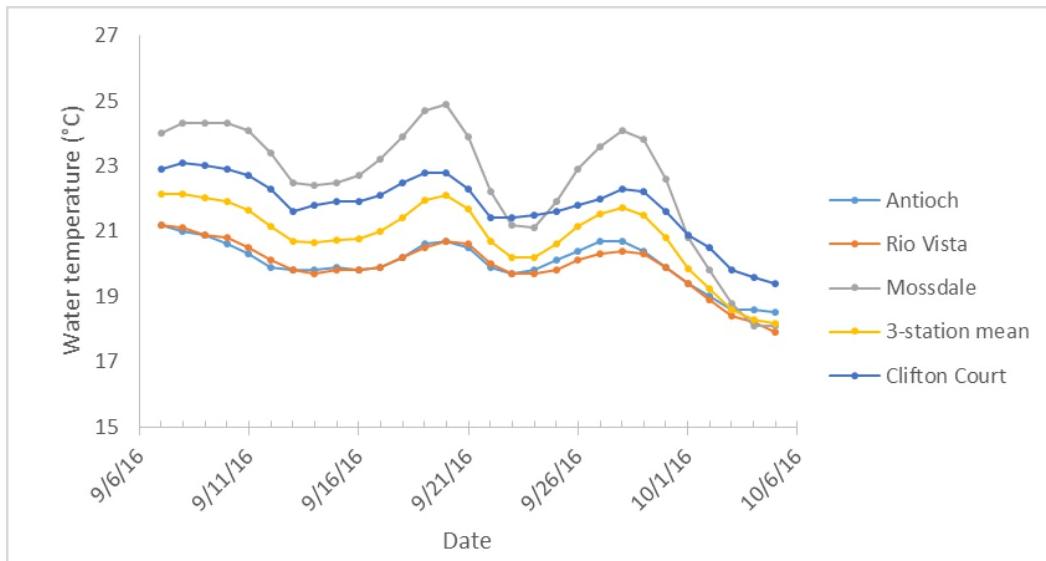


Figure: Recent steelhead salvage at both facilities (clipped and non-clipped; none in time period shown).
Data through 10/4.

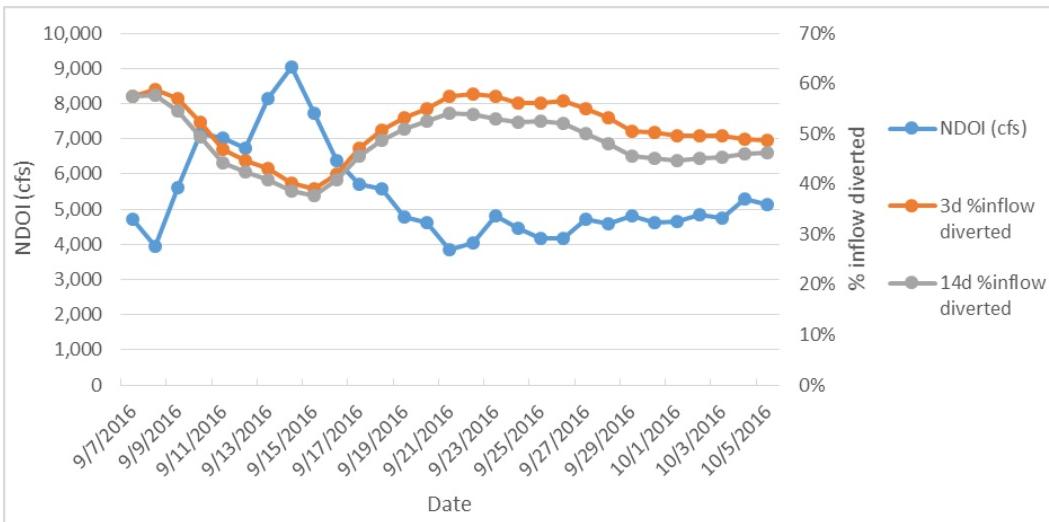
	Cumulative combined salvage for WY 2017 as of 10/4/16	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	0	1,500	3,000

PHYSICAL CONDITIONS

- Currently controlling operations: Salinity management.
- Location of X2, 10/6: >81 km (east of Collinsville).
- DCC status, 10/6: Open.
- Turbidity (at sites in delta smelt BiOp)
 - Three-day mean Prisoner's Point: 4.6 NTU on 10/5
 - Three-day mean Holland Cut: 1.1 NTU on 10/5
 - Three-day mean Victoria Canal: 2.4 NTU on 10/5
- South Delta temporary barriers update: October 3 (Email from Simon Kwan, DWR, 10/3)
 - Fall Head of Old River Barrier closed on September 27.
 - Old River at Tracy barrier flap gates are tidally operating, since 4/1.
 - Middle River barrier flap gates are tidally operating, since 4/1. DWR raised the crest of the barrier by one foot on 6/22 for irrigation demands.
 - Grant Line Canal barrier was fully closed on 6/8. All flap gates operate tidally as of 6/17.
 - Notching of the Middle River and Old River barriers occurred on 9/12.
- Water Supply Index (WSI) forecast: May 1 forecast date (Water Supply Index (WSI) Forecast email, Andrew Reising, DWR, 5/9—last update for WY 2016)
 - 50% exceedance for Sacramento River Unimpaired Runoff WY forecast: 18.6 MAF (102% of average)
 - Forecasted 50% exceedance for Sacramento Valley Index is 7.1 (Below Normal).
 - Forecasted 75% exceedance for San Joaquin Valley Index is 2.4 (Dry).
- Temperature



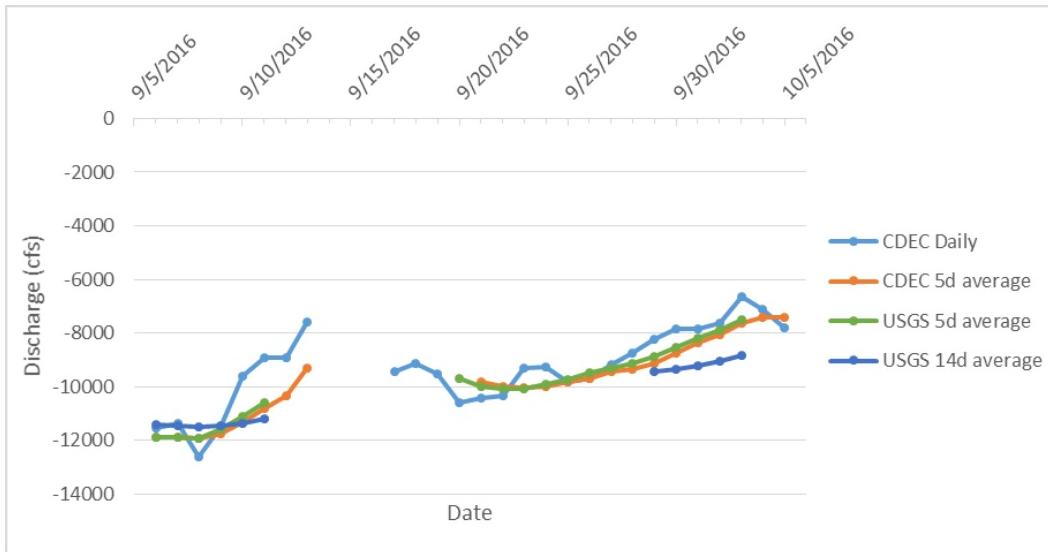
- Delta outflow index as of 10/6: ~4,800 cfs
 - October monthly outflow requirement is 4,000 cfs, with a 7-day average not less than 3,000 cfs. Status as of 10/5 is 4,928 cfs and 4,928 cfs, respectively.
- Total Delta inflow as of 10/6: ~14,042 cfs
 - Sacramento flow: 12,767 cfs
 - San Joaquin flow: 392 cfs
 - % inflow diverted (3-day average): 48.8%.
 - For % inflow diverted, July–January standard is 65%.



- Exports:
 - 10/6 scheduled exports: 3,000 cfs Clifton Court inflow; 4,000 cfs Jones/Tracy PP.



- Tidally-filtered OMR:



REGULATORY

- Delta smelt
 - Current RPAs: n/a.
- Longfin smelt
 - Current RPAs: n/a.
- Salmonids
 - See below for relevant RPAs:

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2017 information	Regulation
IV.1.1 (Monitoring and alerts to trigger changes in DCC operations)	"First alert"	Oct. - Apr.	(1) Mean daily flow >95 cfs in Mill or Deer Creek OR (2) Starting in Oct., an increase in tributary flow of >50% over levels immediately preceding flow spike -> indicates cues for emigration initiation.		Either criterion can trigger the alert. Alert signals that gate operations might need alteration in near future to avoid diverting outmigrating Chinook.
	"Second alert"	.	(1) Water temp < 13.5°C at Knights Landing AND (2) Flows greater than 7,500 cfs at Wilkins Slough--> associated with recovering emigrating Chinook at Knights Landing.		Alert triggered when both second alert criteria met.
IV.1.2 (DCC gate operations)	N/A	Oct. - Nov.	Fish present (criteria based on D1641 WQ standards, Knights Landing Catch Index, and Sacramento Catch Index).		Gates closed if fish present. See 2011 amend., Encl. 2 (p. 62) for details on triggers.
		Dec. 1-14	1) If D-1641 WQ criteria met, DCC gates closed (unless NMFS approves Chinook experiment). 2) If WQ criteria are not met but both KLCI and SCI are <3 fish/d, DCC may be opened until WQ criteria met, then DCC will close within 24 hrs. 3) If WQ criteria are not met but either KLCI or SCI >3 fish/d, DOSS makes recommendation to NMFS and WOMT per Action IV.5 procedures (2011 amendment, Encl. 2 (p. 63)).		Gates closed, dependent on triggers.
		Dec. 15-Jan. 31	Gates may be opened for up to 5 days for NMFS-approved experiment, or for one-time event between Dec. 15-Jan. 5 when needed to maintain WQ in response to high tide coupled with low inflow.		Gates closed, dependent on triggers.
		Feb. - May 20	N/A		Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Nov. - Dec.	Catch index > 10 fish/d from either Knights Landing or Sacramento Catch Index.		In conjunction with two DCC-closure triggers (Action IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta.
	.		(1) Daily SWP/CVP older juvenile loss density > 8 fish/TAF. (2) Daily loss > 95 fish/d. (3) CNFH CWT late fall-run Chinook or LSNFH CWT winter-run cumulative loss > 0.5%.		When any trigger criterion met, reduce exports to combined 6,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.
	.		(1) Daily SWP/CVP older juvenile loss density > 15 fish/TAF. (2) Daily loss > 120 fish/d. (3) CNFH LFR or LSNFH CWT WNT cumulative loss > 0.5%.		When any trigger criterion met, reduce exports to combined 4,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.